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**SAN FRANCISCO
BOARD OF SUPERVISORS**

**HEALTH, PUBLIC SAFETY &
ENVIRONMENT COMMITTEE**

MINUTES

This volume includes Calendars and Budget Analyst Memoranda.
The Minutes of the meetings in this volume are not available.

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CALENDAR

DOCUMENTS

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HEALTH, PUBLIC SAFETY & ENVIRONMENT COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

REGULAR MEETING

TUESDAY, JANUARY 11, 1994, 10:00 AM

ROOM 228, CITY HALL

MEMBERS: Supervisors Kevin Shelley, Terence Hallinan, Susan Leal

CLERK: Gregoire Hobson

* * * * *

Disability Access

The Board of Supervisors Committee Meeting Room (228) and the Legislative Chamber of the Board are on the second floor of City Hall.



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HEARING NOTICE
IMPORTANT

HEALTH, PUBLIC SAFETY AND
ENVIRONMENT COMMITTEE
BOARD OF SUPERVISORS
ROOM 235, CITY HALL
SAN FRANCISCO, CA 94102

ACTION:

3. File 12-94-4. [Convicted Child Abductors] Hearing to consider urging the California Legislature to increase the penalties for persons who violate state and local laws prohibiting child abduction and to require local registration of convicted child abductors. (Supervisor Alito)

ACTION:

2. File 313-93-1. [Senior Escort Layoffs Impact] Hearing to consider the impact of employee layoffs of the Senior Escort Program on the health and safety of seniors in San Francisco. (Supervisors Hallinan, Alito)

ACTION:

(Continued from 12/14/93)

1. File 207-93-13. Hearing to consider the status report of the Police Department's specific circumstances concerning the 911 response to the 101 California Street incident. (Supervisor Shelly)

CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 MARKET STREET, SUITE 1025

SAN FRANCISCO, CALIFORNIA 94102 • TELEPHONE (415) 554-7642

January 7, 1994

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MAY 31 2002

TO: Health, Public Safety and Environment Committee

FROM: Budget Analyst

SUBJECT: January 11, 1994 Health, Public Safety and Environment Committee Meeting

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Item 1 - File 207-93-13

Note: This item was continued at the December 14, 1993, meeting of the Health, Public Safety, and the Environment Committee.

1. This item is a hearing to consider the status report of the Police Department's actions in relation to the Board of Supervisors' various 911 resolutions, including specific circumstances concerning the 911 response to the 101 California Street incident.

2. The San Francisco Police Department's Communications Control Center is designated as the Public Safety Answering Point (PSAP) for 911 emergency calls in the City and County of San Francisco. PSAP operators (call evaluators), receiving 911 bona-fide emergency calls, transfer such calls to police dispatchers, or to call evaluators at the Health Department or the Fire Department. The 911 Emergency Telephone System is one part of a three component process that delivers emergency assistance services to the public. The other two components are the dispatch systems for each of the services and their respective service delivery units. The major functions performed in the Police Department's Communications Center are as follows:

- Receiving 911 calls
- Requesting translation services, when required
- Evaluating 911 calls
- Transferring 911 calls to the proper agency
- Dispatching police units in response to 911 calls
- Receiving police non-emergency calls via 553-0123
- Evaluating 553-0123 calls

Memo to Health, Public Safety and Environment Committee
January 11, 1994, Health, Public Safety and Environment Committee Meeting

- Transferring non-emergency calls to other agencies, when appropriate
- Dispatching police units in response to 553-0123 calls
- Recording 911 emergency calls and police radio communications

3. The Board of Supervisors approved six resolutions concerning the 911 emergency system in February of 1993. Those resolutions were as follows:

- File 207-92-11. Urging the Mayor to authorize sufficient funding in the FY 1993-94 Police Department budget to fully staff the Communications Center;
- File 207-92-11.2. Urging the Mayor to institute the civilianization of the supervisorial positions in the Police Department Communications Center.
- File 207-92-11.3. Urging the Mayor to institute a public education program to inform the public of the proper use of 911.
- File 207-92-11.4. Urging the Mayor to establish response-time goals for the 911 and non-emergency lines.
- File 207-92-11.5. Urging the Mayor to develop a program to reduce dispatcher injuries and illnesses and to maintain staffing at authorized levels.
- File 207-92-11.6. Urging the Mayor to find alternatives to installing an automated attendant system on the non-emergency line.

4. The Police Department has provided the Budget Analyst with an update of the status of the Department's responses to the six previous resolutions and to issues concerning the 911 emergency system raised at the August 31, 1993 meeting, addressed in paragraphs 6, 7, and 8 below, in a memorandum dated December 10, 1993. The memorandum is attached to this report. The Budget Analyst notes that of 135 Police Communications Dispatcher positions authorized in the FY 1993-94 Budget, a total of 111 of those positions are currently filled. However, the Chief of Police projects full staffing for the Communications Center by April of 1994.

5. The Police Department completed its report on the 101 California incident in August of 1993. That report was released to the public. In addition, at the direction of the Mayor, the Director of the Mayor's Office of Emergency Services, Admiral (Retired) John Bitoff, conducted a management audit of the 911 System. Admiral Bitoff's audit report was also completed in August of 1993 and released to the public.

6. Chief Ribera of the Police Department has previously reported that the following steps have been taken to enhance the operations of the Communications Center:

BOARD OF SUPERVISORS
BUDGET ANALYST

Memo to Health, Public Safety and Environment Committee
January 11, 1994, Health, Public Safety and Environment Committee Meeting

- a. An overlap on dispatch channels during watch (shift) changes.
- b. The physical presence in the dispatch room of supervisors.
- c. Dispatchers are not to leave the dispatch channel for relief or change of watch while an "A" priority is pending.

7. In addition to the recommendations contained in the previously listed resolutions approved by the Board of Supervisors, the following measures or objectives were reported by representatives of the Police Department at the August 31, 1993, hearing:

- Assign Priority "A" calls within two minutes;
- Publish a draft of the 911 instruction manual;
- Communications Supervisors carry ear phones in the Communications Center;
- Conduct critical incident training for Communications Center managers and supervisors;
- Develop an option to manipulate the Computer Aided Dispatch (CAD) screen to view the most recent information;
- Implement improved shift change procedures;
- Develop tactical operations plans for Communications;
- Conduct a high rise emergency exercise;
- Conduct combined team (Police and Medical Services) operations training.

8. Admiral Bitoff stressed the need for clarification and/or implementation of the following measures:

- Develop a standard definition of "Response Time;"
- Enhance the listening skills of Call Evaluators;
- Highlight in the telephone directory the need for the public to use 911 for emergencies only and highlight the availability of the non-emergency Police access number, 553-0123;
- Enhance communications between the Call Evaluator and an officer on the scene.

Memo to Health, Public Safety and Environment Committee
January 11, 1994, Health, Public Safety and Environment Committee Meeting

9. Captain Jim Molinari of the Police Department reports that Departmental personnel will be made available at the January 11, 1994 hearing to answer questions on the status of actions taken in response to the previously approved resolutions and on the issues addressed in paragraphs 6, 7 and 8 above.

10. The Board of Supervisors has adopted legislation to create a 911 Emergency Response Fee to be imposed on telephone subscribers to finance the consolidation and modernization of the City's public emergency notification system. The Board also recently passed a supplemental appropriation ordinance to provide the Chief Administrative Officer with startup project management funds for this system.



POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO
HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103

ANTHONY D. RIEDEA
Officer of Police

December 10, 1993

Mr. John L. Taylor
Clerk of the Board
Board of Supervisors
235, City Hall
San Francisco, CA 94102

Dear Mr. Taylor,

I am writing in response to the hearing scheduled before the Public Safety Committee on December 14, 1993. In the Budget Analysts Report Item 3, Resolutions 207-92-11 through 207-92-11.6 have been addressed, but Items 6,7, 8 are of interest.

Item 6 refers to Steps undertaken to enhance the operations of Communications Center:

- (a) Overlap on dispatch channels during the change of watch -- this has been implemented;
- (b) The presence of two supervisors in the dispatch room -- this has been implemented;
- (c) No dispatcher shall leave the dispatch channel for relief or change of watch while an "A" priority is pending.

Item 7 refers to a number of measures that reflect our internal objectives.

- (a) We have instituted a two minute assignment of "A" priority calls;
- (b) We are in meet and confer meetings with Local 790 on the Operations Manual;
- (c) Supervisors are carrying head sets in the Center;
- (d) Critical Incident Training has been provided for the managers and supervisors in conjunction with our Tactical Unit;

TO: Mr. John Taylor
From: Chief Anthony Ribera
Subject: Public Safety Committee

Friday, 12/10/93
Page 2 of 3

- (e) We are exploring the feasibility of modifying the CAD screens to reflect the most recent information;
- (f) We have implemented procedures to insure timely shift changes;
- (g) We have implemented a tactical plan with the help of our Tactical Unit;
- (h) a high rise emergency drill is scheduled for January '94; and a joint EMS/Police training seminar is in the planning stages.

Item 8 refers a number of issues raised by Admiral Bitoff at a previous meeting.

- (a) The definition of Response Time, in the Department's view, is the time the Dispatcher evaluates the call and types an entry in CAD, the time for actual dispatch, and time of arrival by a field unit.
- (b) Enhance the listening skills of call evaluators. At the present we are planning to begin in service training for all dispatchers as a refresher course, in the mean time we have instituted a vigorous monitoring program to evaluate the listening skills of all dispatchers and taking corrective action on an individual basis.
- (c) Pacific Bell has made changes to the emergency number section of the directories and they should be reflected in the next publishing cycle.
- (d) We have implemented a program to include dispatchers in our Advance Officers Training Program in the hope of establishing a better understanding of field and communication operations.

TO: Mr. John Taylor
From: Chief Anthony Ribera
Subject: Public Safety Committee

Friday, 12/10/93
Page 3 of 3

(e) Finally, I have attached current staffing levels and project that by April of '94 we will be at full strength.

If we can be of further assistance please contact Captain James Molinari of my staff at 553-1124.

Sincerely,



ANTHONY D. RIBERA
Chief of Police

JJM:ADR:aa

V/P Correspondence/P&R/Progress Report on 911

ATTACHMENT

CLASSIFICATION	CLASSIFICATION Title	Authorized in FY 92-93 Budget	Assigned as of 30 June 1993	Authorized in FY 93-94 Budget	Assigned as of 10 December 1993
9205	Airport Communications Coordinator	0		1	
8240	Police Communications Shift Supervisor	3		4	
8239	Senior Police Communications Dispatcher	9		13	
8238	Police Communications Dispatcher	114		135	

Memo to Health, Public Safety and Environment Committee
January 11, 1994 Health, Public Safety and Environment Committee Meeting

Item 2 - File 313-93-1

1. This item is a hearing to consider the effects of the layoffs of 25 Crime Prevention Workers from the Senior Escort Program on the health and safety of seniors in San Francisco.

2. The Senior Escort Program, which is administered by the Police Department, provides transportation and escort services to senior citizens in San Francisco. In order to meet the budget reduction target required by the Mayor's Office, the Senior Escort Program's 1993-94 budget was reduced by \$764,524 from the FY 1992-93 budget of \$2,112,069 to \$1,347,545. This budget reduction, in part, resulted in the layoff of 25 of the 42 Crime Prevention Workers from the Senior Escort Program. Crime Prevention Worker's duties include but are not limited to (1) providing protective escort services for seniors to a variety of service providers including government, social services, medical facilities and neighborhood businesses, (2) selecting the most appropriate means of transport, taking into consideration the time involved, distance and the health of the individual, (3) patrolling assigned areas on foot in order to be available for escort services and crime prevention monitoring, (4) providing information on crime prevention and personal property safety to senior citizens and (5) working with seniors to inform them of available social services and providing them with referrals to appropriate agencies.

3. Ms. Rochelle Frazier, Director of the Senior Escort Program, reports that in FY 1992-93 the Senior Escort Program provided transportation and escort services to a total of approximately 6,500 unduplicated senior clients. As of the writing of this report, Ms. Frazier, while noting that the level of services provided has been reduced, was unable to provide the number of clients served to date for FY 1993-94. However, Ms. Frazier advises that this information will be available for presentation at the Health, Public Safety and Environment Committee meeting on January 11, 1994. Ms Frazier states that although the level of service has been reduced, the Program still serves the same geographic areas previously served in FY 1992-93. According to Sergeant Walsh of the Police Department, the Senior Escort Program currently does not have a waiting list of potential clients.

4. Sergeant Walsh advises that representatives of the Police Department and the Senior Escort Program will be present at the meeting of the Health, Public Safety and Environment Committee meeting on January 11, 1994, to provide information on the status of the Program and to answer any questions from the Committee.

Memo to Health and Public Safety Committee
January 11, 1994 Health and Public Safety Committee Meeting

Item 3 - File 12-94-4

1. This item is a hearing to consider urging the California Legislature to increase the penalties for persons who violate child abduction laws and to require local registration of convicted child abductors.
2. According to Mr. Bob Podesta of the District Attorney's Office, the penalty for violating State child abduction laws in cases where there "is the intent to deprive the custody right of another person or public agency" ranges from imprisonment in County jail for a period of not more than one year, a fine of \$1,000, or both, or by imprisonment in State prison for 16 months to four years, a fine of not more than \$10,000, or both. The penalty for kidnapping (forcibly stealing or detaining any person) is imprisonment for three, five, or eight years in State prison. If the person kidnapped is under the age of fourteen at the time of the commission of the crime, the penalty is five, eight, or eleven years in State prison. The State of California does not currently require the local registration of convicted child abductors, however, the State does require the local registration of convicted sex offenders, according to Mr. Podesta.
3. Deputy Police Chief Thomas Petrini expects that the costs to the San Francisco Police Department of registering convicted child abductors would be minimal, and could be absorbed by existing Department resources.


for
Harvey M. Rose

cc: Supervisor Shelley
Supervisor Hallinan
Supervisor Leal
President Alioto
Supervisor Bierman
Supervisor Conroy
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Maher
Supervisor Migden
Clerk of the Board
Chief Administrative Officer
Controller
Teresa Serata
Robert Oakes
Ted Lakey

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REGULAR MEETING

TUESDAY, JANUARY 25, 1994, 10:00 AM

ROOM 228, CITY HALL

MEMBERS: Supervisors Kevin Shelley, Terence Hallinan, Susan Leal

CLERK: Gregoire Hobson

* * * * *

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1. File 313-93-1. [Senior Escort Layoffs Impact] Hearing to consider the impact of employee layoffs of the Senior Escort Program on the health and safety of seniors in San Francisco. (Supervisors Hallinan, Alioto)

(Cont'd from 1/11/94)

ACTION:

2. File 121-93-18. [Sale of Firearms Regulations] DRAFT ordinance amending the Police Code by amending Sections 613 through 613.7 and adding Sections 613.8 through 613.17 relating to the sale, lease or other transfer of firearms, firearm ammunition or firearm ammunition components. (Supervisors Shelley, Alioto)

ACTION:

3. File 121-94-1. [Regulating the Discharge of Certain Weapons] DRAFT ordinance amending Police Code by adding Article 42, Sections 4200 through 4208 to prohibit, with certain specified exceptions, the discharge of certain weapons in public places within San Francisco; require greater parental responsibility for minors who may come into contact with certain weapons; dispose of certain confiscated weapons; and prohibit minors from possessing certain weapons. (Supervisor Shelley)

ACTION:

4. File 312-93-2. [Gun Control, Zero Tolerance Policy] Resolution declaring a zero tolerance policy for illegal gun possession within San Francisco. (Supervisors Shelley, Alioto)

ACTION:

5. File 312-93-1. [Gun Control] Resolution urging the Legislature to remove restrictions on the ability of municipalities to enact appropriate gun control regulations to ensure the safety of its citizens. (Supervisors Shelley, Alioto)

ACTION:

6. File 12-93-29. [Supporting AB 2020] Resolution supporting Assembly Bill 2020 which would allow optometrists to utilize therapeutic pharmaceutical agents and to accept Medi-Cal patients. (Supervisor Hallinan)

ACTION:

7. File 83-93-2. [Community House Program for the Homeless] Resolution urging the Mayor to apply for federal funds from the U.S. Department of Housing and Urban Development to acquire property and establish a Community House Program. (Supervisors Leal, Kaufman)

ACTION:

8. File 83-93-3. [Treatment Residence for the Homeless] Resolution urging the Mayor to seek federal funds from the Department of Veterans Affairs and Housing and Urban Development for the establishment of a substance abuse treatment residence for the homeless. (Supervisor Leal, Kaufman)

ACTION:

HEALTH, PUBLIC SAFETY AND
ENVIRONMENT COMMITTEE
BOARD OF SUPERVISORS
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SAN FRANCISCO, CA 94102

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HEARING NOTICE**

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January 21, 1994

TO: // Health, Public Safety and Environment Committee
FROM: // Budget Analyst
SUBJECT: January 25, 1994 Health, Public Safety and Environment Committee Meeting

Item 1 - File 313-93-1

Note: This item was continued by the Health, Public Safety and Environment Committee at its meeting of January 11, 1994.

1. This item is a hearing to consider the effects of the layoffs of 25 Crime Prevention Workers from the Senior Escort Program on the health and safety of seniors in San Francisco.

2. The Senior Escort Program, which is administered by the Police Department, provides transportation and escort services to senior citizens in San Francisco. In order to meet the budget reduction target required by the Mayor's Office, the Senior Escort Program's 1993-94 budget was reduced by \$764,524 from the FY 1992-93 budget of \$2,112,069 to \$1,347,545. This budget reduction, in part, resulted in the layoff of 25 of the 42 Crime Prevention Workers from the Senior Escort Program. Crime Prevention Worker's duties include but are not limited to (1) providing protective escort services for seniors to a variety of service providers including government, social services, medical facilities and neighborhood businesses, (2) selecting the most appropriate means of transport, taking into consideration the time involved, distance and the health of the individual, (3) patrolling assigned areas on foot in order to be available for escort services and crime prevention monitoring, (4) providing information on crime prevention and personal property safety to senior citizens and (5) working with seniors to inform them of available social services and providing them with referrals to appropriate agencies.

Memo to Health, Public Safety and Environment Committee
January 25, 1994 Health, Public Safety and Environment Committee Meeting

3. Ms. Rochelle Frazier, Director of the Senior Escort Program, reports that in FY 1992-93, the Senior Escort Program provided transportation and escort services to a total of approximately 6,500 unduplicated senior clients. According to Ms. Frazier, an estimated total of approximately 2,710 unduplicated clients have been served through December 31, 1993. Ms. Frazier estimates that approximately 4,336 unduplicated clients in total will be served in FY 1993-94. Ms Frazier states that although the level of service has been reduced, the Program still serves the same geographic areas previously served in FY 1992-93. According to Sergeant George Walsh of the Police Department, the Senior Escort Program currently does not have a waiting list of potential clients.

4. Sergeant Walsh advises that representatives of the Police Department and the Senior Escort Program will be present at the meeting of the Health, Public Safety and Environment Committee meeting on January 26, 1994, to provide information on the status of the Program and to answer any questions from the Committee.

Memo to Health, Public Safety and Environment Committee
January 25, 1994 Health, Public Safety and Environment Committee Meeting

Item 2 - File 121-93-18

Item: Draft ordinance amending the San Francisco Municipal Code Part II, Chapter VIII (Police Code) by amending Article Nine, Sections 613 through 613.7 thereof, and adding Sections 613.8 through 613.17 thereof, relating to the sale, lease, or other transfer of firearms, firearm ammunition, or firearm ammunition components.

Description: This proposed ordinance would have three broad impacts: (1) to make the requirements for receiving a license to deal guns more stringent; (2) to regulate the sale of ammunition and ban certain types of ammunition; and (3) to increase security requirements for gun dealers. The following paragraphs summarize the provisions of the proposed ordinance in terms of these three categories.

Gun Dealer Licensing Requirements

The proposed ordinance would add a number of conditions that would allow the Chief of Police to deny the issuance of a license to gun dealers. For example, a license could be denied if the applicant is too young, abuses drugs or alcohol, or has committed a felony or other specified crime. The proposed ordinance would also allow the Chief of Police to deny a license if the gun dealership would be located in a zone that is primarily residential, near a school, a day care center, or near another gun dealership. Under the proposed resolution, only an owner can be issued a license.

Ammunition Sales

The proposed ordinance would prohibit the sale of an ammunition clip that contains more than a specified number of rounds of ammunition. The number of rounds has not been specified. The proposed ordinance would further prohibit the sale of ammunition that (a) has no sporting purpose and (b) is designed to expand upon impact, such as Black Talon bullets.

Security Requirements

The proposed ordinance would implement a number of security requirements. For example, gun dealers would be prohibited from identifying the business with an exterior sign or picture or displaying guns or ammunition, would be prohibited from transferring guns without a safety trigger, would require that guns be securely wrapped before transfer, and would require that gun dealers not sell guns to persons who are not known personally by the gun dealer or have not

BOARD OF SUPERVISORS
BUDGET ANALYST

Memo to Health, Public Safety and Environment Committee
January 25, 1994 Health, Public Safety and Environment Committee Meeting

provided picture identification, such as a California driver's license.

Comments:

1. According to the Police Department Permits Division, there are currently 14 licensed gun and/or ammunition dealers in San Francisco, and one pending application. Applicants for licenses pay a filing fee of \$564. The annual renewal fee for licenses is approximately \$170. Annual revenue from 14 license renewals plus one new application would be \$2,944 (14 times \$170 plus \$564).
2. According to the Police Department, there are very few new applications to deal guns and/or ammunition (no more than one per year). Therefore, any additional costs to implement this proposed ordinance could be supported by the Police Department's existing budget, or, if necessary, by increasing the filing fee and/or annual renewal fee.
3. This proposed ordinance, as noted above, contains a blank (Section 613.10(h)) where the number of rounds in an ammunition clip should be specified. According to the sponsor of the proposed legislation, an Amendment to the whole will be introduced that will specify a maximum of 15 rounds per ammunition clip.
4. According to the sponsor of the proposed legislation, the Amendment to the whole will be approved by the City Attorney.

Recommendation: Approval of the proposed Amendment of the whole, including a specified number of rounds in an ammunition clip (Section 613.10(h)), is a policy matter for the Board of Supervisors.

Memo to Health, Public Safety and Environment Committee
January 25, 1994 Health, Public Safety and Environment Committee Meeting

Item 3 - File 121-94-1

Item: Draft ordinance amending the Police Code by adding Article 42, Sections 4200 through 4208 to (1) prohibit, with certain specified exceptions, the discharge of certain weapons in public places within San Francisco; (2) require greater parental responsibility for minors who may come into contact with certain weapons; (3) dispose of certain confiscated weapons; and (4) prohibit minors from possessing certain weapons.

Description: Section 4201 of this proposed legislation would make it illegal to discharge projectile weapons in public places. The proposed ordinance defines projectile weapons in such a way as to include certain weapons that are not typically lethal, but that, according to the proposed legislation, can cause injury to persons or property, such as airguns and BB guns. The proposed ordinance would define a projectile weapon to include, but not be limited to air guns, air pistols, air rifles, gas operated guns, BB guns, pellet guns, flare guns, dart guns, point guns, and other similar devices.

Section 4204 of the proposed legislation would make any parent or legal guardian, or a person over age 18, also guilty if a minor gains access to a firearm stored in the adult's property, such as his or her home or automobile, and discharges it.

Section 4205 of the proposed legislation would allow the Police Department to confiscate illegally discharged firearms.

Section 4207 of the proposed legislation would make it illegal for any minor to possess a projectile weapon. It is currently legal for minors to possess certain types of projectile weapons, such as BB guns and slingshots. The proposed legislation would further make it illegal for any person to sell projectile weapons to minors. The Police Department would be empowered to confiscate projectile weapons in the possession of minors.

Comments:

1. According to Mr. Scott Emblidge of the City Attorney's Office, State law specifically allows municipalities to regulate the discharge of firearms. Mr. Emblidge does not know of any laws currently prohibiting the discharge of projectile weapons in public places.
2. Under the proposed ordinance, discharging a projectile weapon, if charged as an infraction, would be punished by a fine of up to \$100. If charged as a misdemeanor, such a

Memo to Health, Public Safety and Environment Committee
January 25, 1994 Health, Public Safety and Environment Committee Meeting

3. Law enforcement officers would be exempt from the provisions of the proposed legislation.
4. According to the proposed ordinance, if any portion of the proposed ordinance is declared invalid, the remaining portions would remain valid.
5. Mr. Emblidge reports that the City has the authority to enforce the proposed legislation, even though the State has limited municipalities' authority to implement gun control, because none of the provisions of this proposed ordinance fall within the specific restrictions established by the State.
6. The proposed legislation would increase the punishment for discharging a projectile weapon within 1,500 feet of a school or child care center to a misdemeanor punishable by a fine of up to \$1,000 and/or six months in jail. The costs and revenues of this provision would be dependent upon the degree to which persons are convicted of discharging a projectile weapon within 1,500 feet of a school or child care center.
7. According to the Police Department, any remaining annual costs and revenues of this proposed ordinance are unknown at this time. Costs would result from any arrests, trials or incarcerations resulting from the proposed ordinance. Revenues would result from any fines collected from those guilty of violating this proposed ordinance.

Recommendation:

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

Memo to Health, Public Safety and Environment Committee
January 25, 1994 Health, Public Safety and Environment Committee Meeting

Item 4 - File 312-93-2

Item: Resolution declaring a zero tolerance policy for illegal gun possession within San Francisco.

Description: According to the proposed resolution, street crime and violence have a negative impact on San Francisco, creating a public health problem and worsening the business climate. The proposed resolution would make it the City's policy that illegal firearms possession will not be tolerated to any degree. The proposed resolution would declare that the intention of the Board of Supervisors is that all persons who possess illegal firearms be jailed. Finally, the proposed resolution would request that the District Attorney, the City Attorney, the Police Department, the Sheriff's Department and the Juvenile and Adult Probation Departments submit to the Board of Supervisors policies and guidelines to insure effective complete prosecution of firearms possession, and to pursue the strictest possible penalties for those convicted of such offenses, including mandatory sentences. These policies would be requested to be submitted to the Board of Supervisors within 90 days of approval of the proposed resolution.

Comments:

1. Although the proposed resolution declares the intention that all persons who possess illegal firearms be jailed, according to Mr. Bob Podesta of the District Attorney's Office, only the State Legislature can impose mandatory sentences. Mr. Podesta also advises that it is the responsibility and sole authority of judges to determine sentences within parameters established by State law.
2. Mr. Podesta advises that the proposed resolution would apply primarily to persons convicted of illegal possession of a firearm as a misdemeanor, since persons convicted of illegal possession of a firearm as a felony serve time in jail.
3. According to Mr. Podesta, while the District Attorney considers illegal possession of a firearm a serious matter, the penalties imposed by judges upon persons who are arrested for illegal possession of a firearm who have a history of criminal activity are typically more severe than penalties imposed upon persons with no criminal history.
4. According to Deputy Chief Frank Reed of the Police Department, the Police Department currently has a policy of zero tolerance of illegal gun possession, so that every incident of illegal gun possession results in maximum enforcement, including arrest and seizure. Deputy Chief Reed further

Memo to Health, Public Safety and Environment Committee
January 25, 1994 Health, Public Safety and Environment Committee Meeting

reports that any conviction for illegal gun possession results in destruction of the firearm.

5. If more persons were incarcerated in County jails as a result of this proposed legislation, a General Fund cost would be incurred. It currently costs approximately \$61.73 per day to incarcerate each person. However, since only the State Legislature can impose mandatory sentences, and since only judges can determine individual sentences, the Budget Analyst estimates that there would be little direct fiscal impact associated with increased incarceration as a result of the proposed resolution.
6. The additional costs of any new programs proposed by the District Attorney, the City Attorney, the Police Department, the Sheriff's Department, the Juvenile Probation Department, and the Adult Probation Department cannot be specified until these departments have provided specific information regarding these new programs.

Recommendation: Approval of the proposed resolution is a policy matter for the Board of Supervisors.

Memo to Health, Public Safety and Environment Committee
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Item 5 - File 312-93-1

Item: Resolution urging the State Legislature to remove restrictions on the ability of municipalities to enact appropriate gun control regulations to ensure for the safety of its citizens.

Description: According to the proposed resolution, the Board of Supervisors and the Mayor enacted an ordinance in 1978 that was intended to control the possession of handguns. This ordinance was challenged in the California State Court of Appeal (Doe v. City and County of San Francisco) and the 1978 City ordinance was overturned. Subsequently, the California State Legislature approved legislation to restrict the authority of municipalities to enact handgun control ordinances further. This proposed resolution would urge the Legislature to remove restrictions on the authority of municipalities to enact local gun control regulations.

Comments:

1. According to the proposed resolution, regulation of possession of handguns would promote the health, safety and welfare of the public, since (1) easy availability of handguns contribute to firearm related deaths; (2) handguns that belong to law-abiding citizens are frequently stolen and used for criminal activities; and (3) handguns play a major role in the commission of crimes and in accidental deaths and injuries.
2. According to Mr. Scott Emblidge of the City Attorney's Office, State law currently prohibits municipalities from regulating: (1) the possession of firearms by adults; (2) licensing requirements for adults; and (3) registration requirements for adults.
3. This proposed resolution would only urge the State Legislature to allow the City to enact appropriate gun control regulations, and would not change any current City policy or procedures in and of itself. Therefore, this resolution would have no fiscal impact. The fiscal impact of any future proposed gun control legislation would be estimated based on the specific contents of the proposal.

Recommendation: Approval of the proposed resolution is a policy matter for the Board of Supervisors.

Memo to the Health, Public Safety and Environment Committee
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Item 6 - File 12-93-29

Item: Resolution supporting Assembly Bill 2020, which would allow optometrists to utilize therapeutic pharmaceutical agents and to accept Medi-Cal patients.

Description: Optometrists are specialists who examine eyes and prescribe eyeglasses to correct vision deficiencies. Currently, optometrists are only permitted to use pharmaceuticals for diagnostic purposes, and are not permitted to prescribe pharmaceuticals to treat ocular diseases. As a result, optometrists whose patients require pharmaceuticals must refer those patients to ophthalmologists. (Ophthalmologists are medical doctors.)

The primary purpose of Assembly Bill 2020 (AB 2020) would be to allow optometrists to use therapeutic medications for the treatment of ocular disease. These medications would include 489 brand names, of which 227 (such as aspirin, Tylenol, and Advil) are available to the public without a prescription. The legislation would further require that, if an optometrist uses medications, that optometrist must accept Medi-Cal patients. To ensure that optometrists are sufficiently familiar with these medications, the proposed legislation would mandate the establishment of educational and examination requirements for optometrists seeking to prescribe pharmaceuticals.

The proposed resolution would support AB 2020.

Comments:

1. According to information published by Assemblyman Phillip Isenberg, during their training, optometrists currently receive more than 100 class hours in pharmacology (pharmacology is the study of the preparation, qualities, and uses of drugs). This information further states that optometrists practicing outside of California currently are permitted to administer therapeutic medications in 37 states.
2. The benefits of this proposed legislation, according to Assemblyman Isenberg's published information, are:
 - (1) increased accessibility of eye care, since optometrists outnumber ophthalmologists and are often a community's only eye care provider; and
 - (2) reduced costs, since optometrists generally charge lower fees, and AB 2020 would eliminate the necessity of visiting a second provider for simple medications.

Memo to the Health, Public Safety and Environment Committee
January 25, 1994 Health, Public Safety and Environment Committee Meeting

3. AB 2020, if approved, would not result in costs or revenues for the City.

Recommendation: Approval of the proposed resolution is a policy matter for the Board of Supervisors.

Memo to Health, Public Safety and Environment Committee
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Items 7 and 8 - Files 83-93-2 and 83-93-3

Department: Mayor's Office of Community Development
Mayor's Office of Housing
Department of Public Health

Items: Resolution urging the Mayor to apply for Federal funds from the U.S. Department of Housing and Urban Development to acquire property and establish a Community House Program (File 89-93-2).

Resolution urging the Mayor to seek Federal funds from the Departments of Veterans Affairs and Housing and Urban Development for the establishment of a substance abuse treatment residence for the homeless (File 89-93-3).

Description: According to the proposed resolution (File 89-93-2), a number of homeless persons are living on the streets of San Francisco and are in dire and immediate need of humane transitional housing, and that Federal funds needed to acquire the sites for such needed housing have been identified from the U.S. Department of Housing and Development (HUD), which will soon be available as part of \$25 million program to acquire such sites nationwide.

Therefore the proposed resolution (89-93-2) urges the Mayor, the Mayor's Office of Housing and other applicable City Departments to take prompt action to respond to the Notice of Formal Application that is being issued by HUD, and requests that the Mayor's Office report, in writing, to the Board of Supervisors on a monthly basis on their ongoing progress in responding to such an application and establishing a Community House Program. The Community House Program is a tenant based program that would use an established social service agency to lease/own an entire hotel and create humane structured transitional housing, allowing homeless people to become part of a community household.

According to the proposed resolution (File 89-93-3), Federal legislation has been enacted, which specifically appropriated \$4 million for the capital costs for a substance abuse treatment residence for homeless individuals in San Francisco. The appropriation is from the U.S. Departments of Veterans Affairs and Housing and Urban Development.

Therefore, the proposed resolution (89-93-3) urges the Mayor to take immediate action to secure these available Federal funds in order to establish a site or sites that can be

BOARD OF SUPERVISORS
BUDGET ANALYST

purchased to house and treat the homeless with substance abuse problems.

The proposed resolution also urges that the Mayor and responsible Departments report to the Board of Supervisors within 30 days of the adoption of the proposed resolution on the status of their efforts to purchase such a site or sites for the proposed substance abuse treatment residence for the homeless.

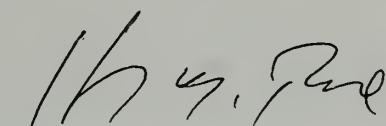
Comments:

1. Mr. Ted Dienstfrey of the Mayor's Office of Housing (MOH) reports that the MOH has previously submitted an application (with Board of Supervisors approval), for \$1 million of the available funds to provide case management services associated with the Community House Program (File 83-93-2). Mr. Dienstfrey advises that the MOH will continue to seek funding to acquire a site or sites for the Community House Program. Mr. Dienstfrey also advises that he will report in writing, on a monthly basis, to the Board of Supervisors concerning the establishment of a Community House program.
2. According to Mr. Dienstfrey, the MOH has authorized a qualified service provider (Walden House) to submit a bid concerning the acquisition of a site for the proposed substance abuse treatment residence for the homeless (File 83-93-3). Mr. Dienstfrey reports that he will report to the Board of Supervisors within 30 days of the adoption of the proposed resolution regarding the status of this effort to purchase a site for the proposed substance abuse treatment residence for the homeless.
3. Mr. Dienstfrey advises that there are no required matching funds as part of the application for the \$1 million for the Community House Program (File 89-93-2). Mr. Dienstfrey also advises that, as of the writing of this report, he is unable to estimate the amount of Federal funds that will be available to operate the Community House Program. However, because the program will be funded exclusively with Federal funds, it is anticipated that no local costs would be incurred by the City to operate the program, according to Mr. Dienstfrey.
4. Mr. Dienstfrey advises that there are no required matching funds as part of the \$4 million appropriation for site acquisition of the proposed substance abuse treatment residence (File 89-93-3). However, Mr. Dienstfrey advises that he anticipates using approximately \$1.5 million in City Housing funds (which includes Community Development

Memo to Health, Public Safety and Environment Committee
January 25, 1994 Health, Public Safety and Environment Committee Meeting

Block Grant funds, Home Investment Partnership Program funds and Tax Increment funds) approved as part of the MOH's 1993-94 budget, and approved as part of the San Francisco Redevelopment Agency's 1993-94 budget, in addition to the \$4 million appropriation in order to acquire a site for the proposed substance abuse treatment residence. Furthermore, according to Mr. Wayne Clark of the Department of Public Health, it is anticipated that there will be no local costs incurred by the City to operate the proposed substance abuse treatment residence because the estimated \$1.7 million annual operating costs are anticipated to be funded through Federal and State reimbursement of Medicaid costs and also through Federal grants for substance abuse and supportive housing.

Recommendation: Approve the proposed resolutions.



Harvey M. Rose

cc: Supervisor Shelley
Supervisor Hallinan
Supervisor Leal
President Alioto
Supervisor Bierman
Supervisor Conroy
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Maher
Supervisor Migden
Clerk of the Board
Chief Administrative Officer
Controller
Teresa Serata
Robert Oakes
Ted Lakey

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**HEALTH, PUBLIC SAFETY & ENVIRONMENT COM
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO**

REGULAR MEETING

TUESDAY, FEBRUARY 8, 1994, 10:00 AM

ROOM 228, CITY HALL

MEMBERS: Supervisors Kevin Shelley, Terence Hallinan, Susan Leal

CLERK: Gregoire Hobson

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1. File 83-93-2. [Community House Program for the Homeless] Resolution urging the Mayor to apply for federal funds from the U.S. Department of Housing and Urban Development to acquire property and establish a Community House Program. (Supervisors Leal, Kaufman, Hsieh, Kennedy, Maher)

ACTION:

2. File 83-93-3. [Treatment Residence for the Homeless] Resolution urging the Mayor to seek federal funds from the Department of Veterans Affairs and Housing and Urban Development for the establishment of a substance abuse treatment residence for the homeless. (Supervisors Leal, Kaufman, Hsieh, Kennedy, Maher)

ACTION:

3. File 13-93-47. [Federal Funds to Prevent School Violence] Resolution urging the Mayor to support the Safe School Act and to work in conjunction with the San Francisco School District to develop model programs for upcoming Federal funding. (Supervisors Leal, Alioto, Kaufman)

ACTION:

4. File 12-94-8. [State Legislation–Aggressive Pursuit] Resolution urging the California Legislature to increase the penalties for persons who violate state and local laws prohibiting stalking and aggressive pursuit and to require local registration of convicted stalkers and aggressive pursuers. (Supervisor Alioto)

ACTION:

5. File 121-93-17. [Aggressive Pursuit] Ordinance amending Chapter VIII, Part II, Article 2 of the San Francisco Municipal Code (Police Code) by adding Sections 121 and 122 thereto prohibiting aggressive pursuit (Supervisor Alioto)

ACTION:

6. File 13-94-3. [Federal Crime Bill] Resolution supporting passage of the Federal Crime Bill and additional controls on the sale and purchase of firearms and urging the development of a comprehensive strategy to address crime and crime prevention in San Francisco. (Supervisor Migden)

ACTION:

7. File 214-94-4. Hearing to consider the accuracy of the recently released juvenile crime statistics and their relationship to the apparent implementation of the Serious Habitual Offender Program by the San Francisco Police Department. (Supervisor Hallinan)

ACTION:

8. File 68-94-2. [Neighborhood Crime Prevention] Resolution urging the Mayor's Criminal Justice Council to issue a Request for Proposals for a comprehensive program of community organizing to prevent crime. (Supervisor Migden)

ACTION:

9. File 213-94-1. [Creation of Drug Court] Resolution supporting the creation of a Drug Court for purposes of diverting nonviolent drug offenders into rehabilitation programs. (Supervisor Migden)

ACTION:

NOTE: THE SPONSOR OF ITEM 10 RECOMMENDS THIS ITEM BE TABLED AND ITEM 11 SUBSTITUTED IN ITS PLACE.

10. File 304-93-1. [Renaming Public Building – Thomas J. Cahill] Resolution urging the official designation of the Hall of Justice at 850 Bryant Street as the "Thomas J. Cahill Hall of Justice". (Supervisor Conroy)

ACTION:

11. File 97-94-10. [Naming Hall of Justice for Thomas J. Cahill] Ordinance amending Chapter 4 of the San Francisco Administrative Code by adding thereto Section 4.22, which names the Hall of Justice at 850 Bryant Street as the Thomas J. Cahill Hall of Justice. (Supervisor Conroy)

ACTION:

HEALTH, PUBLIC SAFETY AND
ENVIRONMENT COMMITTEE
BOARD OF SUPERVISORS
ROOM 235, CITY HALL
SAN FRANCISCO, CA 94102

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February 4, 1994

TO: ~~Health, Public Safety and Environment Committee~~
FROM: ~~Budget Analyst~~ *Recommendations.*
SUBJECT: February 8, 1994 Health, Public Safety and Environment Committee
Meeting

Items 1 and 2 - Files 83-93-2 and 83-93-3

Note: These items were continued by the Health, Public Safety and Environment Committee at its meeting of January 25, 1994.

Department: Mayor's Office of Community Development
Mayor's Office of Housing
Department of Public Health

Items: Resolution urging the Mayor to apply for Federal funds from the U.S. Department of Housing and Urban Development to acquire property and establish a Community House Program (File 89-93-2).

Resolution urging the Mayor to seek Federal funds from the Departments of Veterans Affairs and Housing and Urban Development for the establishment of a substance abuse treatment residence for the homeless (File 89-93-3).

Description: According to the proposed resolution (File 89-93-2), a number of homeless persons are living on the streets of San Francisco and are in dire and immediate need of humane transitional housing, and that Federal funds needed to acquire the sites for such needed housing have been identified from the U.S. Department of Housing and Development (HUD), which will

Memo to Health, Public Safety and Environment Committee
February 8, 1994 Health, Public Safety and Environment Committee Meeting

soon be available as part of \$25 million program to acquire such sites nationwide.

Therefore the proposed resolution (89-93-2) urges the Mayor, the Mayor's Office of Housing and other applicable City Departments to take prompt action to respond to the Notice of Formal Application that is being issued by HUD, and requests that the Mayor's Office report, in writing, to the Board of Supervisors on a monthly basis on their ongoing progress in responding to such an application and establishing a Community House Program. The Community House Program is a tenant based program that would use an established social service agency to lease/own an entire hotel and create humane structured transitional housing, allowing homeless people to become part of a community household.

According to the proposed resolution (File 89-93-3), Federal legislation has been enacted, which specifically appropriated \$4 million for the capital costs for a substance abuse treatment residence for homeless individuals in San Francisco. The appropriation is from the U.S. Departments of Veterans Affairs and Housing and Urban Development.

Therefore, the proposed resolution (89-93-3) urges the Mayor to take immediate action to secure these available Federal funds in order to establish a site or sites that can be purchased to house and treat the homeless with substance abuse problems.

The proposed resolution also urges that the Mayor and responsible Departments report to the Board of Supervisors within 30 days of the adoption of the proposed resolution on the status of their efforts to purchase such a site or sites for the proposed substance abuse treatment residence for the homeless.

Comments:

1. Mr. Ted Dienstfrey of the Mayor's Office of Housing (MOH) reports that the MOH has previously submitted an application (with Board of Supervisors approval), for \$1 million of the available funds to provide case management services associated with the Community House Program (File 83-93-2). Mr. Dienstfrey advises that the MOH will continue to seek funding to acquire a site or sites for the Community House Program. Mr. Dienstfrey also advises that he will report in writing, on a monthly basis, to the Board of Supervisors concerning the establishment of a Community House program.

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2. According to Mr. Dienstfrey, the MOH has authorized a qualified service provider (Walden House) to submit a bid concerning the acquisition of a site for the proposed substance abuse treatment residence for the homeless (File 83-93-3). Mr. Dienstfrey reports that he will report to the Board of Supervisors within 30 days of the adoption of the proposed resolution regarding the status of this effort to purchase a site for the proposed substance abuse treatment residence for the homeless.

3. Mr. Dienstfrey advises that there are no required matching funds as part of the application for the \$1 million for the Community House Program (File 89-93-2). Mr. Dienstfrey also advises that, as of the writing of this report, he is unable to estimate the amount of Federal funds that will be available to operate the Community House Program. However, because the program will be funded exclusively with Federal funds, it is anticipated that no local costs would be incurred by the City to operate the program, according to Mr. Dienstfrey.

4. Mr. Dienstfrey advises that there are no required matching funds as part of the \$4 million appropriation for site acquisition of the proposed substance abuse treatment residence (File 89-93-3). However, Mr. Dienstfrey advises that he anticipates using approximately \$1.5 million in City Housing funds (which includes Community Development Block Grant funds, Home Investment Partnership Program funds and Tax Increment funds) approved as part of the MOH's 1993-94 budget, and approved as part of the San Francisco Redevelopment Agency's 1993-94 budget, in addition to the \$4 million appropriation in order to acquire a site for the proposed substance abuse treatment residence. Furthermore, according to Mr. Wayne Clark of the Department of Public Health, it is anticipated that there will be no local costs incurred by the City to operate the proposed substance abuse treatment residence because the estimated \$1.7 million annual operating costs are anticipated to be funded through Federal and State reimbursement of Medicaid costs and also through Federal grants for substance abuse and supportive housing.

Recommendation: Approve the proposed resolutions.

Item 3 - File 13-93-47

Department: Mayor's Office

Item: Resolution urging the Mayor to support the Safe School Act and to work in conjunction with the San Francisco Unified School District to develop model programs for upcoming Federal funding.

Description: According to the proposed resolution, the Clinton Administration has proposed legislation, "the Safe Schools Act", to establish a strong Federal role in supporting programs to reduce and prevent school violence. The House and Senate have approved separate bills which authorize up to \$100 million annually for grants to support model programs and it is expected that these bills will be reconciled into a single omnibus anti-crime bill early in 1994.

Therefore, the proposed resolution urges the Mayor to strongly support the enactment of the "Safe Schools Act" and to work in conjunction with the San Francisco Unified School District to develop a comprehensive model program in order to take advantage of this Federal funding in 1994.

Comments: 1. According to Ms. Anne Kronenberg of the Mayor's Criminal Justice Council (MCJC), the MCJC anticipates working in conjunction with the San Francisco Unified School District to develop a model program in order to take advantage of the proposed funding.

2. Ms. Kronenberg also reports that because the proposed legislation is still in the process of being drafted, she is unable, as of the writing of this report, to determine how much funding would be available to the City, or if there would be any local matching requirements associated with the proposed grant funding.

Recommendation: Approval of the proposed resolution is a policy matter for the Board of Supervisors.

Memo to Health, Public Safety and Environment Committee
February 8, 1994 Health, Public Safety and Environment Committee Meeting

Items 4 and 5 - Files 12-94-8 and 121-93-17

Department: Police Department

Items: Resolution urging the California Legislature to increase the penalties for persons who violate State and local laws prohibiting stalking and aggressive pursuit of another person and to require local registration of convicted stalkers and aggressive pursuers (File 12-94-8).

Ordinance amending Chapter VIII, Article 2 of the San Francisco Municipal Code (Police Code) by adding Sections 121 and 122 thereto, prohibiting aggressive pursuit of another person (File 121-93-17).

Description: The proposed ordinance (File 121-93-17) would make it unlawful for any person to engage in aggressive pursuit of another person. According to the proposed ordinance, the term "aggressive pursuit" shall mean the willful, malicious or repeated following or harassment of another person, including but not limited to, willful or malicious communications by telephone, modem, facsimile or mail, with the intent to cause annoyance, intimidation or fear on the part of the person being pursued. The proposed ordinance also would impose a penalty of up to \$500, or imprisonment for up to six months, or impose both such fines and imprisonment on individuals convicted on charges of aggressive pursuit.

According to the proposed resolution (File 12-94-8), stalking and aggressive pursuit of other persons has become an increasingly dangerous problem in the State, and under existing State law, persons may be convicted of stalking only after repeatedly engaging in the prohibited conduct (see Comment #1). The proposed resolution states that the local registration of convicted stalkers and aggressive pursuers would enhance local law enforcement efforts to protect potential victims of aggressive pursuit and stalking offenses. Therefore, the proposed resolution urges the State Legislature to (a) amend Section 646.9 of the State Penal Code so that a person would be in violation of the Penal Code after the first occurrence of prohibited conduct (this would impose a penalty up to \$1,000, or imprisonment up to one year, or impose both such fines and imprisonment, at the first occurrence of stalking); (b) make a second or repeated violation of that Section 646.9 a felony; and (c) amend State Penal Code Section 290 to require that persons convicted of stalking or aggressive pursuit under State or local laws be required to register with local law enforcement officials.

Memo to Health, Public Safety and Environment Committee
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Comments:

1. According to Mr. David Greenburg of the City Attorney's Office, the proposed local ordinance (File 121-93-17) prohibiting aggressive pursuit would differ from existing State law prohibiting stalking in that the proposed ordinance contains language that does not require repeated malicious behavior in order to convict an individual of aggressive pursuit (the proposed ordinance contains language stating "willful, malicious, or repeated following or harassment of another person", whereas State Penal Code Section 646.9 contains language stating "willful, malicious, and repeatedly follows or harasses another person". Mr. Greenburg also advises that the specific reference in the proposed ordinance to "willful or malicious communications by telephone, modem, facsimile or mail with the intent to cause annoyance, intimidation or fear on the part of the person being pursued" is not included in the State law.
2. As of the writing of this report, Deputy Police Chief Thomas Petrini is unable to estimate the costs associated with the enforcement of the proposed ordinance (File 121-93-17). However, Chief Petrini expects that costs would be minimal and could be absorbed by existing Police Department resources. Chief Petrini advises that any revenue raised as a result of imposing fines on individuals convicted of aggressive pursuit would depend on the number of convictions that included fines (rather than, or in addition to imprisonment), but that the total revenue raised is likely to be minimal.
3. As of the writing of this report, Chief Petrini is unable to estimate the costs associated with requiring persons convicted of stalking under State or local laws to register with local law enforcement officials (File 12-94-8). However, Chief Petrini expects that costs would be minimal and could be absorbed by existing Police Department resources.

Recommendation: Approval of the proposed legislation is a policy matter for the Board of Supervisors.

Item 6 - File 13-94-3

1. The proposed resolution supports passage of the Federal Crime Bill and additional controls on the sale and purchase of firearms and urges the development of a comprehensive strategy to address crime and crime prevention in San Francisco.
2. The Federal Crime Bill is two pieces of omnibus legislation: one originating in the Senate and the other in the House of Representatives. These omnibus bills include approximately \$44 billion that would be allocated to state and local governments to increase law enforcement and crime prevention activities. In addition, the Federal Crime Bill includes, among other things: 1) the prohibition of the manufacture, transfer and possession of several types of semi-automatic assault weapons; 2) expanding the Federal death penalty for several additional offenses; 3) penalty increases for 60 crimes and new offenses covering violent crimes; 4) expanding definitions of criminal street gangs; 5) permitting prosecution of juveniles aged 13 or older as adults if armed during the commission of a crime; and 6) tightening and expediting the deportation of aliens convicted of crimes.
3. According to Ms. Pam David, the Federal Coordinator for the Mayor's Office, the final Federal Crime Bill could change significantly before it is approved by the Senate and the House of Representatives. In addition, Ms. David advises that there may not be adequate resources to fund some or all of the provisions of the Crime Bill. Finally, Ms. David reports that it could be two months before the outcome of the Crime Bill is known. Thus, it is impossible to determine how much, if any, of the proposed law enforcement and crime prevention Federal funds would be allocated to the City. Some of the programs included in the Federal Crime Bill require local match funds. For example, the Federal Crime Bill includes a "Cops on the Beat" program that would provide \$8.9 billion in grants to local governments to hire additional police officers. These "Cops on the Beat" grant funds require a 25 percent local match.
4. The proposed resolution also urges the Mayor to convene the Mayor's Criminal Justice Council, the Delinquency Prevention Commission, the Mayor's Office of Children Youth and Families, Police Department, District Attorney, Sheriff, Municipal and Superior Courts, Adult and Juvenile Probation Departments, Health Department, Recreation and Parks Department, Department of Social Services, Housing Authority, San Francisco Unified School District, and appropriate non-governmental organizations to assure the highest use of Federal crime prevention funds by developing a comprehensive strategy to address crime and crime prevention in San Francisco.
5. The proposed resolution would encourage additional Federal and State legislation to make the buying and selling of firearms and ammunition more difficult, including laws that would give local governments the ability to tax and regulate the sales and purchases of firearms. However, through the City's Gross Receipts and Payroll Tax, the City already taxes the sale and purchase of firearms.

Memo to Health, Public Safety and Environment Committee
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6. The proposed resolution would urge City departments to aggressively pursue grant funding for innovative crime prevention programs.

Recommendation

Approval of the proposed resolution is a policy matter for the Board of Supervisors.

Memo to Health, Public Safety and Environment Committee
February 8, 1994 Health, Public Safety and Environment Committee Meeting

Item 7 - File 214-94-4

Item: Hearing to consider the accuracy of the recently released juvenile crime statistics and their relationship to the apparent implementation of the Serious Habitual Offender Program by the San Francisco Police Department (SFPD).

Description: In January, 1994, the San Francisco Police Department reported that in 1993, 30 teenagers were arrested for murder. In 1992, 14 teenagers were arrested for murder. The 30 reported arrests for 1993 would have represented an increase in the teenage murder rate over 1992 of 114 percent. However, the Juvenile Probation Department reported that only 14 teenagers had been arrested for murder in 1993, the same as in 1992. This is a hearing to consider the accuracy of these Police Department juvenile crime statistics recently published by the *San Francisco Chronicle*.

The Police Department is implementing a Serious Habitual Offender Program for juveniles. According to Commander Diarmuid Philpott of the Police Department, this Serious Habitual Offender Program consists of the identification of ten to 15 juveniles who commit serious, repeated violent crimes. Juveniles will be identified from reports from the Juvenile Probation Department, based on the type of frequency of their crimes, and the status of their probation. The Program will consist of increased patrol activities in relation to the identified youth, such as a review of school attendance, identification of the youths' cohorts, and noting and recording the youths' hours. The objective of the program is to remove serious habitual offenders from the streets as expeditiously as possible, to discourage violence against and among other youths, Commander Philpott reports. This hearing will also consider the Serious Habitual Offender Program.

Comments:

1. According to a February 2, 1994 memo from the SFPD Public Affairs Office, the SFPD was mistaken in reporting that 30 juveniles had been arrested for murder in 1993. According to this memo, a review of the 30 records entered as juvenile homicides indicated that 14 of these were correctly reported, but the remaining 16 records were attempted homicides, not homicides. The memo states that these 16 were incorrectly reported because of a data processing error.
2. According to Commander Philpott, the Serious Habitual Offenders Program is not being implemented in response to the increase in homicides among youths, but in response to a general increase in violent crime among youths in all

Memo to Health, Public Safety and Environment Committee
February 8, 1994 Health, Public Safety and Environment Committee Meeting

categories over the past five years, including rape, robbery, aggravated assault, burglary, and larceny. Commander Philpott reports that the Serious Habitual Offenders Program would initially be supported using existing SFPD resources, but that the Department anticipates applying for grant funds from the State Office of Criminal Justice Planning to support the Program. The amount of funds available for such grants is unknown at this time, Commander Philpott reports.

3. According to a Juvenile Justice Information System Master File, juveniles were arrested for 23 percent fewer crimes in 1992 than in 1988 (From 5,505 in 1988 to 4,228 in 1992). In contrast to the Police Department's stated goals for the Serious Habitual Offender Program, Mr. Chet Hewitt of the Center for Juvenile Crime, a non-profit organization, reports that the Serious Habitual Offender Program cannot be justified, because: (1) the crime rate among juveniles has not increased in recent years; and (2) incarceration does not reduce recidivism among juveniles. Mr. Hewitt reports that this proposed Serious Habitual Offender Program is not consistent with the SFPD's community policing initiative.
4. The Chief of Police and the Controller have informed the Budget Analyst that they are planning to form a joint committee to improve statistical reporting methods, and the accuracy of crime statistics, in the future.

Memo to Health, Public Safety and Environment Committee
February 8, 1994 Health, Public Safety and Environment Committee Meeting

Item 8 - File 68-94-2

Department: Mayor's Criminal Justice Council (MCJC)

Item: Resolution urging the Mayor's Criminal Justice Council to issue a Request for Proposals for a comprehensive program of community organizing to prevent crime.

Description: According to the proposed resolution, criminals are less likely to operate in a neighborhood that is highly organized, in which residents take an obvious interest in the quality of life in their area, and in which residents take aggressive action to make it more difficult to commit undetected crimes. Neighborhoods are more likely to succeed in reducing crime if they have assistance from trained crime prevention specialists who can assist them in organizing and implementing a comprehensive neighborhood crime prevention strategy.

Therefore, the proposed resolution urges the Mayor's Criminal Justice Council to designate funds to permit the issuance of a Request for Proposals to identify a single agency or a single consortium of community organizations to conduct a neighborhood crime prevention program employing neighborhood crime prevention specialists. The function of the program shall be to assign crime prevention specialists to each neighborhood in the City to assist neighbors in developing and implementing strategies to address factors that contribute to crime.

The proposed resolution also urges the Mayor's Criminal Justice Council to: a) identify funds to create not more than two positions in City government to act as liaison between neighborhood crime prevention specialists and City departments, in order to assure that the departments fill requests for assistance made by neighborhoods and; b) identify the funds necessary to augment MCJC's existing capacity to make grants to neighborhoods in support of programs that will significantly contribute to reducing crime, including organizing special events, conducting recreation and jobs programs for youth, and organizing neighborhood cleanups.

The proposed resolution also provides that the Board of Supervisors will seek to identify approximately \$1.5 million in new funds to assist in carrying out the purposes of this proposed resolution.

Memo to Health, Public Safety and Environment Committee
February 8, 1994 Health, Public Safety and Environment Committee Meeting

Comment: As of the writing of this report, Ms. Anne Kronenberg of the MCJC is unable to provide specific budgetary detail on the cost of creating two positions and the related expenses for purposes of providing liaison between neighborhood crime prevention specialists and City departments. Ms. Kronenberg also advises that she cannot identify a source of funds for the proposed resolution at this time.

Recommendation: Approval of the proposed resolution is a policy matter for the Board of Supervisors.

Memo to Health, Public Safety and Environment Committee
February 8, 1994 Health, Public Safety and Environment Committee Meeting

Item 9 File 213-94-1

1. The proposed resolution would support the creation of a Drug Court for purposes of diverting non-violent drug offenders into rehabilitation programs.

2. The proposed legislation states that (1) a one-day survey of the San Francisco jail population performed by the Sheriff's Department on June 1, 1993 found that 35.6 percent of the detainees or 814 out of 2,287 were charged with drug related violations, (2) approximately 70 percent of the San Francisco jail population report a history of drug or alcohol dependency, (3) jail overcrowding has forced the City to spend \$7.75 million in FY 1993-94 to rent jail space in Alameda County, (4) the Sheriff's Department estimates that only 22 percent of the approximately 2,300 inmates housed in San Francisco jails are serving sentences, while the remaining 78 percent are awaiting trial, (5) substance abuse programs, which provide drug users with the opportunity to overcome drug use through various treatments, counseling, education and employment training, are instrumental in reducing drug related offenses and (6) the majority of drug abusers in San Francisco jails never participate in drug rehabilitation programs, and among those that do, the time which elapses between arrest and diversion to such a program may be as long as two months resulting in a high rate of failure with respect to program participation.

3. According to the proposed legislation, counties throughout the nation have established Drug Court programs that immediately divert non-violent drug offenders and other drug-dependent offenders into supervised year-long drug rehabilitation programs, resulting in the reduction or elimination of time spent in jail by these offenders. The proposed legislation states that typically, participants in Drug Court programs are not tried in criminal proceedings and have their charges dropped upon the successful completion of drug rehabilitation and vocational training programs. According to the proposed legislation, Alameda County's Drug Court has resulted in an 85 percent increase in the number of drug offenders participating in drug treatment in Alameda County and a reduction of 46 percent in repeat arrests for those offenders who participate in drug rehabilitation programs. The proposed legislation states that more than one-third of drug related offenders in Alameda County failed to appear for drug rehabilitation programs before the creation of Alameda County's Drug Court, compared with a failure to appear rate of only 3 percent after the Drug Court was implemented.

4. The proposed resolution would (1) declare that the Board of Supervisors supports the creation of a Drug Court and encourages the cooperation of the Municipal and Superior Courts, the Police Department, the Sheriff, the District Attorney, the Public Defender, and the Department of Public Health in creating such a Drug Court, (2) urge the Mayor to oversee the efforts of these Departments to create a Drug Court and (3) urge the Mayor to identify funding to expand drug treatment programs which are necessary for the successful implementation and operation of the Drug Court.

Memo to Health, Public Safety and Environment Committee
February 8, 1994 Health, Public Safety and Environment Committee Meeting

5. Mr. Gordon Park-Li of the Municipal Court states that both the Municipal and Superior Courts support the concept of a differentiated case management program for certain offenders who have substance abuse problems. According to Mr. Park-Li, several informal meetings have been held between representatives of the Courts and the other Departments noted above, to discuss the possible establishment of such a program in San Francisco. Mr. Park-Li advises that no specific recommendations or cost estimates have yet been developed in connection with this concept. Mr. Park-Li states that a formal meeting to discuss this subject matter is in the planning stage, but no specific meeting date has been set.

Comments

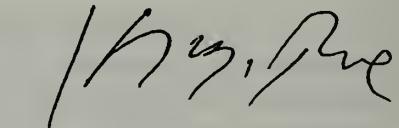
1. The Office of the Sponsor of the proposed legislation advises that an Amendment to the Whole of the proposed legislation will be introduced at the Health, Public Safety and Environment Committee meeting on February 8, 1994, to change the sentence "jail overcrowding has forced the City to spend \$7.75 million in fiscal year 1993-94 to rent jail space in Alameda County" to read "jail overcrowding will force the City to spend approximately \$7 million in fiscal year 1993-94 to rent jail space in Alameda County".

2. As of the writing of this report, neither cost estimates nor savings estimates with respect to reducing jail overcrowding problems have been developed in connection with the creation of a Drug Court.

3. Mr. Flynn Bradley of the Mayor's Office of Criminal Justice advises that the Mayor's Office has been working in conjunction with representatives from the Municipal Court in conducting preliminary meetings and discussions on the possible creation of an alternative case management program for persons jailed in connection with substance abuse related offenses. According to Mr. Bradley, the Mayor's Office has not yet identified any funding sources that could be used to expand drug treatment programs.

Recommendation

Approval of the proposed resolution is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc:	Supervisor Shelley Supervisor Hallinan Supervisor Leal President Alioto Supervisor Bierman Supervisor Conroy	Supervisor Hsieh Supervisor Kaufman Supervisor Kennedy Supervisor Maher Supervisor Migden Clerk of the Board	Chief Administrative Officer Controller Teresa Serata Robert Oakes Ted Lakey
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HEALTH, PUBLIC SAFETY & ENVIRONMENT COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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REGULAR MEETING

TUESDAY, FEBRUARY 22, 1994, 10:00 AM

ROOM 228, CITY HALL

MEMBERS: Supervisors Kevin Shelley, Terence Hallinan, Susan Leal

CLERK: Gregoire Hobson

* * * * *

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1. File 30-93-20. [Video Display Terminal Advisory Committee Report] Resolution urging the Mayor to support the recommendations of the San Francisco Video Display Terminal Advisory Committee 1993 Annual Report. (Supervisor Alioto)

ACTION:

2. File 13-94-3. [Federal Crime Bill] Resolution supporting passage of the Federal Crime Bill and additional controls on the sale and purchase of firearms. (Supervisor Migden)

(Consideration Cont'd from 2/8/94)

ACTION:

3. File 121-93-14. [Loitering at or Near Cash Dispensing Machines] Ordinance amending the Police Code by adding Section 261 thereto, prohibiting persons from loitering at or near cash dispensing machines. (Mayor)

ACTION:

HEALTH, PUBLIC SAFETY AND
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BUDGET ANALYST

1390 MARKET STREET, SUITE 1025

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FEB 22 1994

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February 17, 1994

TO: Health, Public Safety and Environment Committee

FROM: Budget Analyst

SUBJECT: February 22, 1994 Health, Public Safety and Environment Committee
Meeting

Item 1 - File 30-93-20

1. The proposed resolution would urge the Mayor to support the recommendations of the San Francisco Video Display Terminal Worker Safety Advisory Committee's 1993 Annual Report. On November 23, 1993, the Board of Supervisors held a hearing on the San Francisco Video Display Terminal Worker Safety Advisory Committee's 1993 Annual Report.

2. In December of 1990, the Board of Supervisors approved an ordinance adding provisions to the Health Code relating to Video Display Terminal (VDT) worker safety and equipment standards. The ordinance provides for minimum standards on VDT workstation equipment, and requires the purchase or retrofitting of VDT workstations with proper equipment and the implementation of worker safety education programs for VDT operators. The ordinance also provides for the appointment of a VDT Advisory Committee, which would be responsible for reviewing proposed rules and regulations pursuant to the implementation of the VDT ordinance, recommending to the Board of Supervisors appropriate amendments to the VDT ordinance and keeping the Board of Supervisors informed of developments concerning VDT laws and regulations implemented by the State of California and the State's Occupational Safety and Health Administration.

The San Francisco VDT Advisory Committee is a seven member committee appointed as follows: two members are appointed by the San Francisco Chamber of Commerce, one member is appointed by the Small Business Advisory Committee, three members are appointed by the San Francisco Central Labor Council and one member is appointed by the Mayor. According to Dr. Julia Faucett of the VDT

Memo to Health, Public Safety and Environment Committee
February 22, 1994 Health, Public Safety and Environment Committee Meeting

Advisory Committee, members are not compensated for being on the Committee. Dr. Faucett states that administrative support costs for the Committee are provided on a limited basis by the Department of Public Health (DPH) out of the existing DPH's budget.

3. The Committee's recommendations and the associated estimated costs to the City of these recommendations, as contained in the VDT Advisory Committee's 1993 Annual Report are as follows:

Recommendation 1 – City Attorney's Office shall amend the language of the ordinance to require that VDT training be effective and have means to evaluate the effectiveness of the training.

Cost Estimate: According to the VDT Advisory Committee Annual Report, since the DPH's training regulations (which were updated since the recommendation was made in April, 1993) have already addressed effectiveness, this recommendation as it is written does not need to be implemented. There would be no additional cost for this recommendation.

Recommendation 2 – City's Attorney Office shall amend ordinance to use oral and written material appropriate to the educational level, literacy and language of the employee.

According to Dr. Faucett, this recommendation is intended to insure that the VDT ordinance is written to require that VDT training material is written to reflect the educational level of the targeted population that would receive VDT training.

Cost Estimate: According to the VDT Advisory Committee Annual Report, since this recommendation has been addressed in the DPH Training regulations (which were updated since the recommendation was made in April, 1993), this recommendation does not need to be implemented. There would be no additional cost for this recommendation.

Recommendation 3 – Require DPH training to include the latest information on radiation emissions and electromagnetic fields (associated with VDT use) including a summary of remedies for reducing exposure as follows:

- 1) Increasing the distance between users and backs and sides of terminals.
- 2) Increasing the distance between users and their screens.
- 3) Information about shielding and availability of low emission terminals.

Cost Estimate: According to the VDT Advisory Committee Annual Report, the time needed to include this information in DPH's training will be provided by the Health Educator listed in Recommendation 5. No other funding will be needed.

Memo to Health, Public Safety and Environment Committee
February 22, 1994 Health, Public Safety and Environment Committee Meeting

Recommendation 4 – Emphasize the importance of frequent breaks from VDT operation as an alternative to a 15 minute break every 2 hours. Provide a minimum of three minute breaks every hour.

Cost Estimate: According to the VDT Advisory Committee Annual Report, if VDT operators divide their 15 minute break every two hours into smaller hourly breaks (without exceeding 15 minutes every two hours), there will be no additional costs to the City. Costs for emphasizing the importance of frequent three minute breaks during training would be provided by the Health Educator listed in Recommendation 5. No other funding is needed.

Recommendation 5 – The Board of Supervisors ensures that DPH has sufficient resources for enforcement and to support the Committee.

According to the VDT Advisory Committee Annual Report, the DPH was denied a request of funds for one Senior Industrial Hygienist, one part-time Secretary and administrative support costs totaling \$108,133 in the 1992-93 DPH budget. The VDT Advisory Committee Annual Reports states that in addition to the above-mentioned funds, one half-time Health Educator at an annual cost of \$30,000 is needed to provide VDT training.

Cost Estimate: \$138,133 annually as noted above.

Recommendation 6 – The Board of Supervisors supports Federal and State efforts to adopt VDT and ergonomic standards.

Cost Estimate: According to Dr. Faucett of the VDT Advisory Committee, costs for supporting these regulations would be minimal, and would be absorbed by the City's existing budget.

Recommendation 7 – Board of Supervisors supports further research about general health effects of VDT work, and directs Federal and State legislative representatives to support related research efforts, especially the effects of electromagnetic fields.

Cost Estimate: According to Dr. Faucett of the VDT Advisory Committee, costs for supporting VDT research would be minimal, and would be absorbed by the City's existing budget.

Recommendation 8 – Board of Supervisors directs DPH to collect appropriate educational material to assist departments and employers in implementing training programs.

Cost Estimate: According to the VDT Advisory Committee Annual Report, an additional five percent of a DPH Health Educator's time (\$3,000 annually - based on 5 percent of \$60,000), and \$2,500 a year for the acquisition of materials, would be required. Total costs: \$5,500 annually.

Memo to Health, Public Safety and Environment Committee
February 22, 1994 Health, Public Safety and Environment Committee Meeting

Recommendation 9 – Board of Supervisors directs DPH to establish data base to track effectiveness of the ordinance and allocate sufficient resources.

Cost Estimate: According to the VDT Advisory Committee Annual Report, the time needed to accumulate the data will be provided by the Senior Industrial Hygienist listed in Recommendation 5. No other funding will be needed.

Recommendation 10 – Board of Supervisors encourages the City to provide VDT operators with regular vision care.

Estimated Cost: 3,000 employees (the DPH estimate of the number of City workers operating VDT's more than four hours a day) x \$1.25 per month (estimate by VDT Advisory Committee of the increase in monthly premiums) x 12 months = \$45,000 per year.

4. According to the VDT Advisory Committee Annual Report, the total cost to the City to implement the above-mentioned recommendations, is as follows:

Recommendation #5	\$138,133
Recommendation #8	5,500
Recommendation #10	<u>45,000</u>
Total Costs	\$188,633

5. The proposed resolution would endorse the Video Display Terminal Worker Safety Advisory Committee's 1993 Annual Report, and urge the Mayor to appropriate the required funding as described in comment #4, in order to implement recommendations five, eight and ten of the Video Display Terminal Worker Safety Advisory Committee's 1993 Annual Report.

6. Ms. Theresa Lee of the Mayor's Office reports that, as of the writing of this report, the Mayor's Office is unable to identify a funding source for the \$188,633 to implement recommendations five, eight and ten of the Video Display Terminal Worker Safety Advisory Committee's 1993 Annual Report. However, Ms. Lee advises that the Mayor's Office anticipates working with the DPH to identity potential funding sources for the subject recommendations.

Recommendation

Approval of the proposed resolution is a policy matter for the Board of Supervisors.

BOARD OF SUPERVISORS
BUDGET ANALYST

Item 2 - File 13-94-3

Note: This item was continued at the February 8, 1993 Health, Public Safety and Environment Committee meeting.

1. The proposed resolution supports (a) passage of the Federal Crime Bill and (b) passage of additional Federal and State legislation relating to controls on the sale and purchase of firearms.

2. The Federal Crime Bill is two pieces of omnibus legislation: one originating in the Senate and the other in the House of Representatives. These omnibus bills include approximately \$44 billion that would be allocated to state and local governments to increase law enforcement and crime prevention activities. In addition, the Federal Crime Bill includes, among other things: 1) the prohibition of the manufacture, transfer and possession of several types of semi-automatic assault weapons; 2) expanding the Federal death penalty for several additional offenses; 3) penalty increases for 60 crimes and new offenses covering violent crimes; 4) expanding definitions of criminal street gangs; 5) permitting prosecution of juveniles aged 13 or older as adults if armed during the commission of a crime; and 6) tightening and expediting the deportation of aliens convicted of crimes.

3. According to Ms. Pam David, the Federal Coordinator for the Mayor's Office, the final Federal Crime Bill could change significantly before it is approved by the Senate and the House of Representatives. In addition, Ms. David advises that there may not be adequate resources to fund some or all of the provisions of the Crime Bill. Finally, Ms. David reports that it could be two months before the outcome of the Crime Bill is known. Thus, it is impossible to determine how much, if any, of the proposed law enforcement and crime prevention Federal funds would be allocated to the City. Some of the programs included in the Federal Crime Bill require local match funds. For example, the Federal Crime Bill includes a "Cops on the Beat" program that would provide \$8.9 billion in grants to local governments to hire additional police officers. These "Cops on the Beat" grant funds require a 25 percent local match.

4. The proposed resolution would encourage a range of additional Federal and State legislation to make the buying and selling of firearms and ammunition more difficult, including laws that would give local governments the ability to tax and regulate the sales and purchases of firearms. Through the City's Gross Receipts and Payroll Tax, the City already taxes the sale and purchase of firearms and ammunition.

5. The proposed resolution would urge City departments to aggressively pursue grant funding for innovative crime prevention programs.

Recommendation

Approval of the proposed resolution is a policy matter for the Board of Supervisors.

BOARD OF SUPERVISORS
BUDGET ANALYST

Memo to Health, Public Safety and Environment Committee
February 22, 1994 Health, Public Safety and Environment Committee Meeting

Item 3 - File 121-93-14

Note: This item was continued from the December 14, 1993 Health, Public Safety and the Environment Committee Meeting.

Department: Police Commission

Items: Ordinance amending the Police Code by adding Section 261 thereto, prohibiting persons from loitering at or near cash dispensing machines.

Description: According to the proposed ordinance, cash dispensing machines have become the site of robberies and assaults, and persons making legitimate use of cash dispensing machines have become intimidated and fearful for their safety because of the presence of persons loitering at or near machines.

The proposed ordinance finds that persons who loiter or linger at or near cash dispensing machines imperil the public's safety and welfare. The proposed ordinance would impose a fine of \$50 to \$100, and/or community service, for the first conviction, if charged as an infraction. Punishment for violation of this ordinance would be as follows:

(a) If charged as a misdemeanor, the first conviction would result in a fine of \$200 to \$500, and/or community service, or by a County jail sentence of up to six months;

(b) For a second conviction within a 30 day period, the offender would be guilty of a misdemeanor and fined \$300 to \$500, and/or community service, or sentenced to the County jail for up to six months, or required to both pay a fine and serve a jail sentence;

(c) For a third conviction or more within a 30 day period, the offender would be guilty of a misdemeanor and fined \$400 to \$500, and/or community service, or sentenced to the County jail for up to six months, or both.

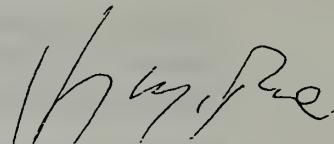
The purpose of this ordinance would be to decrease the incidence of such crimes by providing law enforcement officers with an additional crime fighting tool.

Comments: According to Lieutenant Lawrence Ryan of the Fiscal Division of the Police Department, the potential costs and revenues of the proposed ordinance cannot be estimated at this time, because the extent to which persons: (a) loiter at cash dispensing machines; (b) would be found guilty of such loitering; and (c) would be sentenced to serve time in jail

Memo to Health, Public Safety and Environment Committee
February 22, 1994 Health, Public Safety and Environment Committee Meeting

versus to pay fines is currently unknown. However, with respect to costs, Lt. Ryan reports that the Department could enforce the ordinance without the necessity of additional personnel.

Recommendation: Approval of the proposed ordinance is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Shelley
Supervisor Hallinan
Supervisor Leal
President Alioto
Supervisor Bierman
Supervisor Conroy
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Maher
Supervisor Migden
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HEALTH, PUBLIC SAFETY & ENVIRONMENT COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

REGULAR MEETING

TUESDAY, MARCH 8, 1994, 10:00 AM

ROOM 228, CITY HALL

MEMBERS: Supervisors Kevin Shelley, Terence Hallinan, Susan Leal

CLERK: Gregoire Hobson

* * * * *

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1. File 30-94-3. Hearing to consider the proposed closure of the Northeast Lodge Residential Psychiatric Treatment Facility. (Supervisors Hallinan, Alioto)

ACTION:

2. File 30-94-6. Hearing to consider the billing procedures at San Francisco General Hospital Pharmacy. (Supervisors Hallinan and Alioto)

ACTION:

3. File 97-94-16. [Workers' Compensation Medical Services] DRAFT ordinance amending Administrative Code by adding a new section to establish preference for San Francisco General Hospital in providing medical treatment under the City's Workers' Compensation Program. (Supervisor Leal)

ACTION:

4. File 83-94-1. Hearing to consider the "One-By-One homeless plan. (Supervisor Alioto)

ACTION:

5. File 146-94-2. Hearing to consider the implementation of the \$11 million Target Cities grant, especially substance abuse services for homeless persons and to determine whether substance abuse treatment slots are available at existing service providers but requiring only funding in order to be able to provide substance abuse treatment services. (Supervisor Leal and Alioto)

ACTION:

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BUDGET ANALYST

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March 4, 1994

TO: Health, Public Safety and Environment Committee

FROM: Budget Analyst

SUBJECT: March 8, 1994 Health, Public Safety and Environment Committee Meeting

Item 1 - File 30-94-3

1. This item is a hearing to consider the proposed closure of the Northeast Lodge residential psychiatric treatment facility.

2. The Northeast Lodge, located on Ninth Street between Howard and Folsom Streets, provides residential treatment to psychiatric patients who are acutely disturbed, but do not need to be hospitalized. It also provides care to psychiatric patients making a transition from the hospital back into the community. Clients spend three to six months living at the facility while undergoing intensive counseling and therapy. It is the only residential psychiatric program in the City that provides culturally relevant care to Asian clients. Under a \$1.2 million contract with the Department of Public Health's Mental Health Division, the Pacific Medical Center manages the Northeast Lodge which has 25 beds and serves approximately 149 clients annually.

3. According to Mr. Jeff Jeu, Deputy Director of the Department of Public Health's (DPH) Mental Health and Substance Abuse Services Division, the City has received notice from Pacific Medical Center that the Center will cease to operate the Northeast Lodge once its contract with the City expires June 30, 1994. According to Mr. Jeu, the building that houses the Northeast Lodge is in poor condition and, as a result, it is no longer suitable to house the Northeast Lodge. Neither the City nor the Pacific Medical Center owns the building. Mr. Jeu reports that the City and the Pacific Medical Center have not been able to identify an alternative site to house the Northeast Lodge.

Memo to Health and Public Safety Committee
March 8, 1994 Health and Public Safety Committee Meeting

4. Mr. Jeu reports that the DPH will rebid the contract to provide comparable residential treatment services to what is currently being provided by the Pacific Medical Center at the Northeast Lodge. Mr. Jeu reports that while the City will most likely not find an alternate site of the same size as the Northeast Lodge, the City will find 25 beds within two or more smaller facilities. Mr. Jeu also advises that the State recently adopted legislation that prohibits psychiatric residential treatment facilities with a bed capacity in excess of 16 to be eligible for Medi-Cal. Thus, under the new State law, the Northeast Lodge would not have been eligible for Medi-Cal. Mr. Jeu reports that contracting the 25 beds to residential treatment facilities with maximum bed capacities of 16 or less will save the City approximately \$400,000 annually, from \$1.2 million to \$800,000, because those 25 beds would become eligible to receive MediCal funding.

5. Mr. Jeu also reports that the DPH will require the new contractor to provide culturally relevant care to Asian clients.

Memo to Health, Public Safety and Environment Committee
March 8, 1994 Health, Public Safety and Environment Committee Meeting

Item 2 File 30-94-6

1. This item is a hearing to consider billing procedures at the San Francisco General Hospital (SFGH) Pharmacy.
2. Ms. Sharon Kennison of the SFGH, Department of Patient Finance advises that for the past several months, the revenue unit of the Department of Patient Finance in conjunction with the SFGH, Department of Pharmaceutical Services has been reviewing and analyzing financial reimbursements for outpatient pharmaceutical services, in order to establish if areas existed where revenue could be improved. According to Ms. Kennison, a draft working document has been developed which outlines certain preliminary recommendations for changes in technical and systems areas as well as changes in billing procedures which, if implemented, could potentially increase pharmacy revenues substantially. Ms. Kennison states that the recommendations contained in the working document are still under review and, with the exception of the technical and systems areas, various operational issues and policy matters must be resolved prior to any future implementation of the preliminary recommendations.
3. The office of the Sponsor of the requested hearing advises that this hearing will be continued to the call of the Chair.

Memo to Health, Public Safety and Environment Committee
March 8, 1994 Health, Public Safety and Environment Committee Meeting

Item 3 - File 97-94-16

Item: Draft ordinance amending San Francisco's Administrative Code by adding a new section to establish preference for San Francisco General Hospital in providing medical treatment under the City's Workers Compensation Program.

Description: The proposed draft ordinance would amend the City's Administrative Code by adding a new section which would establish that San Francisco General Hospital has preference in providing medical treatment to City workers under the City's Workers Compensation Program.

Specifically, the proposed draft ordinance states that the Employees Retirement Board has the authority to contract for hospital, medical and surgical treatment for City employees with industrial injury claims with hospitals or other medical facilities, as the Employees Retirement Board determines necessary and appropriate. Furthermore, the proposed ordinance states that these medical service provider contracts would be awarded through a competitive selection process, based on objective factors that relate to the medical service provider's ability to deliver the best medical services to City employees with industrial injury claims in a cost efficient manner, in accordance with Federal Labor Code and State regulations. Under the proposed ordinance, the Employees Retirement Board would score each bidder for medical service provider contracts on a "100 point" scale based on predetermined evaluation criteria and predetermined point value. A ten point rating preference would then be added to the score attained by San Francisco General Hospital.

Comments:

1. The Budget Analyst recently completed a management audit of the Employees Retirement System, which found that the use of a primary medical care facility to provide initial medical treatment can provide administrative efficiencies for the Workers Compensation Division. As a result, the Budget Analyst recommended that the Workers Compensation Division undertake competitive selection for a medical facility to provide initial evaluation and treatment of injured workers. Similarly, the proposed ordinance would require the Employees Retirement Board to determine medical service provider contracts based on competitive bids.

In addition, the State Legislature has authorized the creation of Workers Compensation Health Care Organizations in order to provide more effective controls over medical treatment costs in Workers Compensation claims. Therefore,

Memo to Health, Public Safety and Environment Committee
March 8, 1994 Health, Public Safety and Environment Committee Meeting

the Budget Analyst recommended in the recent management audit of the Employees Retirement System that the City's Workers Compensation Program Managers reassess the City's Workers Compensation medical delivery systems in light of this recent State legislation.

2. Mr. Dan Maguire of the City Attorney's Office reports that he is currently preparing another ordinance, to replace the proposed draft ordinance, which was not approved as to form by the City Attorney's Office. According to Mr. Maguire, the new ordinance will be available for the March 8, 1994 Health, Public Safety and Environment Committee meeting.
3. The Office of the Sponsor of the proposed legislation requests that the ordinance be continued to the March 22, 1994 Health, Public Safety and Environment Committee meeting.

Recommendation: Continue the proposed ordinance to the March 22, 1994 Health, Public Safety and Environment Committee meeting, as requested by the Sponsor's Office.

Item 4 - File 83-94-1

1. This item is a hearing to consider the "One by One" homeless plan.

2. On February 14, 1994 the President of the Board of Supervisors released a report entitled "One by One," containing a plan for management of the homeless crisis in San Francisco. The plan addresses the areas of outreach, emergency centers, care and housing providers, legislation and funding. The analysis that follows summarizes plan elements within each area. The Budget Analyst consulted with the author, in preparation of this summary, who advised that detailed legislation is not yet available, which will implement various provisions in this plan.

3. Outreach: The plan calls for establishing 25 to 40 new Outreach Worker positions. The function of the Outreach Workers would be to encourage homeless persons to come to one of the City's Emergency Centers, where further assessment would be done (see Emergency Centers below) and to provide van transport to homeless persons. Outreach Workers would seek out homeless people and they would also be available to respond to calls from business owners to meet with homeless people who were affecting business activities.

According to the sponsor of the proposed plan, the 25 to 40 Outreach Workers would not be Civil Service positions. The sponsor reports that these Outreach Workers would be paid approximately \$25,000 to \$27,000 annually. Based on these estimated costs, the total annual costs for these Outreach Workers would be approximately \$625,000 to \$1,080,000. Since the actual class for these positions has not yet been determined, the precise cost is not available.

The sponsor of the proposed plan reports that the Chief Executive Officers (CEOs) of various downtown firms have offered to provide \$750,000 of funding for these Outreach Workers for the first year of operation.

4. Emergency Centers: The plan states that all intake and assessment for homeless shelters (referred to as "Emergency Centers" in the plan) should take place on the ground floor of the two existing City Multi-Service Centers and eight community health centers. Outreach Workers would direct homeless individuals to representatives from various advocacy groups and service provider organizations, who would have offices in the City's Multi-Service Centers to conduct intake and assessment. The assessment of homeless persons would occur at the Emergency Center, where they would be permitted to stay for up to seven days.

The plan calls for increasing the number of beds by at least 3,000, from 1,395 to 4,395. These Emergency Centers would be encouraged by the City to specialize in a particular segment of the homeless population. Nevertheless, duration of stay would be limited to seven days. The purpose of the Emergency Centers would be to house people until the appropriate service/housing provider, identified in the intake and assessment process, had time to make arrangements to accommodate them. According to the plan, once major expansion of permanent housing opportunities had been accomplished (see Housing/Care Providers), such arrangements would typically be made within seven days.

The plan does not state what the 3,000 new beds would cost. However, the author advises that, based on discussions with Federal Housing and Urban Development and Health and Human Services representatives, the Federal government would match the City's contribution for such homeless services on a dollar-for-dollar basis, after the first six months of operation. In addition, as discussed below under Legislation, a resolution will be introduced to the Board of Supervisors urging the San Francisco religious community to provide an additional 1,000 beds for homeless people.

5. Housing/Care Providers: The plan contains proposals for expanding the supply of permanent housing for the homeless. The first proposal calls on each existing private provider of housing for the homeless to provide an additional 200 beds. The author states that legislation to be proposed would establish uniform reporting requirements for all providers of housing and homeless care, to provide better data on the outcomes of program participants or residents. The author advises that funding for the 200-bed expansion per housing provider would, under the plan, be provided primarily by the City, to be matched by the Federal government, because the uniform reporting requirements are to provide San Francisco with an advantage in applying for Federal funds, according to the plan.

The second proposal for expanding the supply of permanent housing for the homeless involves establishing a new housing development corporation that would lease and develop housing for previously homeless people who have obtained employment or qualified for public assistance. The emphasis of this proposal is on creating "cooperative housing arrangements," under which groups of previously homeless people would rent a house together. Potential tenants would have to agree to adhere to predetermined rules, and disputes would be settled by a committee of the housing development corporation. The plan states that, "The independent, self-help households would enable people of similar circumstances to help support each other both emotionally and financially." The housing development corporation would be charged with providing job development services, and administering a temporary employment service staffed by formerly homeless people.

Under the plan, a resolution would be introduced to the Board of Supervisors to change zoning restrictions, however, the specific details of such legislation have not yet been finalized. In addition, the plan states that legislation will be introduced to establish a Rental Assistance Program, to be funded primarily by grants to be obtained from the Federal government, to provide no-interest, two-year loans to cooperative housing groups to assist them with move-in deposits.

The plan does not indicate how many units would be leased by the housing development corporation, or how many units would be developed by the corporation. The nature and quantity of support services is not detailed, so the Budget Analyst is unable to estimate the costs of this proposal at this time.

6. Legislation: The plan refers to several pieces of legislation that would be proposed as part of the implementation process. As of the writing of this report, the City Attorney has been requested to draft the following resolutions and ordinances related to the plan:

Memo to Health, Public Safety and Environment Committee
March 8, 1994 Meeting of Health, Public Safety and Environment Committee

- Ordinance creating uniform reporting requirements for housing and homeless care providers.
- Resolution supporting a California/San Francisco mental health homeless partnership to house 5,000 homeless persons in three years, and urging the religious community to join in a partnership to provide 1,000 beds to homeless people.
- Resolution urging the Mayor to diligently pursue funding provided through the AIDS and Shelter Plus Care Grant program, and establish a Veterans Assessment Unit for engagement and assessment of homeless veterans.
- Ordinance establishing an 800 toll free number with immediate access to emergency shelter beds.
- Ordinance creating a Rental Assistance Program providing access to private sector apartments.
- Resolution investigating the feasibility of a "Security Academy" to provide youth employment opportunities, to aid homeless youth with General Education Degree (GED) courses and training in general clerical work and child care, and urging the banking community to aid shelter residents in money management and assistance for household heads in establishing bank accounts.

Other proposed legislation mentioned in the plan, such as changes to the zoning and rent control regulations, has not yet been referred to the City Attorney's Office for drafting.

7. Funding: The plan includes a list of Federal, State and local programs that might be potential sources of funding for implementation of the plan. Appendix B of the plan is a memorandum from Marilyn Berry Thompson, San Francisco's Federal Lobbyist, listing all Federal programs supporting homeless initiatives funded through the United States Departments of Health and Human Services (HHS) and Housing and Urban Development (HUD). The memorandum describes a recent San Francisco grant award, a pending application, and recently rejected applications for Federal McKinney Act Assistance. The plan does not detail Federal and State funds currently provided to San Francisco for homeless assistance. An assumption of the plan is that San Francisco would be able to access considerably more Federal assistance if proposals were based on the plan.

According to the Author, San Francisco would have to provide approximately \$8 million to initiate the plan and provide some undetermined amount of local matching funds for Federal and State grants. The Author further indicates that the \$8 million in City funds would be required to establish the necessary Emergency Centers and to implement the proposed homeless services. It is expected that the funding would come from a reallocation of \$8 million from the \$49.5 million that the City currently spends for both direct and indirect programs and services affecting the homeless (See Budget Analyst "Survey of the City's Current Programs and Services Affecting the Homeless Population, February, 1994).

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March 8, 1994 Meeting of Health, Public Safety and Environment Committee

8. The Author reports that, under the proposed plan, the City would not provide any homeless services directly, except for the two Multi-Service Center facilities. Rather, all homeless services would be contracted through non-profit providers. As of the writing of this report, the plan does not contain sufficient details on such matters as the number of permanent housing units to be developed or leased per year, the nature and amount of social health services to be provided, etc. Therefore, the Budget Analyst cannot estimate the fiscal impact of the plan at this time.

Item 5 - File 146-94-2

1. This item is a hearing to consider the status of implementation of the \$11 million Target Cities grant for development of an integrated intake, assessment and referral system for substance abuse treatment services. A special focus of the hearing is to be grant-related substance abuse services for homeless persons. In addition, the hearing is to consider the extent to which substance abuse treatment slots would be available for homeless persons at existing service providers if funding were available.

2. Target Cities is a grant program sponsored by the Federal Center for Substance Abuse Treatment of the Public Health Service. The national goals of the program are to increase access to substance abuse treatment, to increase the effectiveness of addiction treatment, and to foster coordination between addiction treatment providers and other health and social service providers to achieve improved treatment outcomes. The Community Substance Abuse Services Section (CSAS) of the Department of Public Health's Division of Mental Health and Substance Abuse coordinated preparation of San Francisco's grant application. In October, 1993, San Francisco's proposal, entitled Substance Abuse Treatment Access to Intervention and Recovery Services (STAIRS), received funding for first year's activities in the amount of approximately \$1.6 million, with anticipated funding of \$11.6 million over the five-year grant program period. No local matching funds are required.

3. San Francisco Target Cities Project Director Yvonne Frazier, of the CSAS, reports the following accomplishments in the first five months of implementation of the project:

- Establishment of a 27-member Policy Advisory Review Committee.
- Ongoing planning by Subcommittees established during the pre-application period in the following subject areas: (1) criminal justice; (2) diversity; (3) Central Intake Unit; (4) hotline and marketing; (5) women, family and children; (6) health; (7) lesbian, gay and bisexual; (8) site selection.
- Development of implementation plans in the following areas: (1) program evaluation; (2) management information system; (3) program management; and (4) criminal justice system interface.
- Selection of a fiscal agent, the Haight Ashbury Free Medical Clinic, through a competitive bidding process.
- Completion of candidate selection for the positions of Management Information Systems Manager, Assessment Director and Administrative Analyst. Ms. Frazier indicates that, as of the writing of this report, these positions will be offered to the top candidates identified in a competitive selection process. (Approximately 28 staff are expected to be hired in all.) All positions will be funded through the \$11.6 million grant proceeds. Hiring is

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BUDGET ANALYST

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March 8, 1993 Health and Public Safety Committee Meeting

being conducted through the fiscal agent; Haight Ashbury Free Medical Clinic. These are not Civil Service positions.

- Initial development of program policies.
- Initial development of protocols for referral of clients with tuberculosis.
- Site visit from Federal Center for Substance Abuse Treatment.
- Initiation of a search for sites for the central intake unit.

4. The STAIRS proposal states that the primary goal of the program is to facilitate access to treatment for substance abuse. The program will establish a centralized intake system for substance abuse services, with several points of entry to the system. According to the proposal, these points of entry will include:

- Two Central Intake Units;
- One Satellite Mini-Assessment Unit at San Francisco General Hospital;
- One Satellite Assessment Unit providing services to clients at San Francisco's Jail;
- Two Rapid Response Personnel capable of conducting intake assessments and referrals in a wide variety of sites and responding to emergencies.

This centralized intake system may be revised because the proposal was funded at a lower level than was requested. Revisions have not yet been determined.

Referrals will be made based on a standardized assessment instrument, to match clients to the most appropriate treatment modality. A computerized slot roster will provide automatic update of available admission space in treatment programs. Because there are long waiting lists for many of San Francisco's substance abuse treatment programs, the proposal states that STAIRS will include a pre-placement treatment program, operating out of the two central intake units, to provide pre-treatment support, counseling and case management while people are waiting to be admitted to treatment programs.

The STAIRS proposal establishes that 25 percent of the grant award will be used (after the start-up year) for expanding treatment services. The proposal would allocate 75 percent of treatment funding for direct treatment increases in areas of identified deficient capacity, and 25 percent of treatment funding for "enabling services" such as child care and transportation to help enable clients to participate in treatment programs. Based on anticipated funding in future years of \$2,500,000 per year (see below), total annual funding for treatment expansion will be approximately \$625,000, of which an estimated \$468,750 would be spent for direct treatment, and \$156,250 for enabling services each year.

5. The original STAIRS proposal requested a total of \$20 million in grant funding. The actual grant award totals \$11.6 million. (This amount covers the full

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March 8, 1993 Health and Public Safety Committee Meeting

five year grant period; actual allocations are made on the basis of annual reviews, so the total may change.) Ms. Frazier advises that the City received full funding for the start-up year, but will have to revise the implementation plans for future years to accommodate lower funding levels. Ms. Frazier reports that the expected levels of grant funding are as follows:

<u>Program Year</u>	<u>Anticipated Funding Level</u>
Year 1	\$1,637,500(actual)
Year 2	2,500,000
Year 3	2,500,000
Year 4	2,500,000
Year 5	<u>2,500,000</u>
TOTAL	\$11,637,500

Ms. Frazier advises that the Policy Advisory Review Committee and the Target Cities staff will hold a retreat in April to revise the Year 2 budget and implementation plans for the San Francisco Target Cities Program. Ms. Frazier states that the 25 percent of annual spending targeted for treatment expansion is a fixed proportion that cannot be changed without approval from the Federal Center for Substance Abuse Treatment.

6. In addition to the Central Intake Unit and services identified above, Ms. Frazier reports that there are two components of the San Francisco Target Cities Program that will be of particular relevance for the homeless population. The three staff who will be assigned to perform "rapid response" assessments and referrals are planned as mobile units who could potentially perform outreach to the homeless population. Ms. Frazier indicates that these personnel will be hired shortly after a central intake unit site has been established, so they will have a base of operations.

Ms. Frazier also states that a pilot voucher program is included in the implementation plan. The proposal states that, under the voucher program, "The assessment may be completed in non-traditional settings (for instance a park)...The client will select the program. The clients will receive priority admission if they contact the program, and the program will be reimbursed for the service." The pilot voucher program is designed to reach individuals who are at risk for HIV and who are not reached by traditional means. Ms. Frazier advises that, while specific plans have not yet been developed for the voucher program, the homeless would be one ideal target for the program.

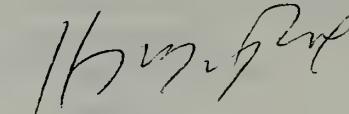
7. Mr. Wayne Clark, Director of CSAS, states that the substance abuse treatment system in San Francisco has to turn away approximately 600 to 800 clients per month because of the lack of funds to pay for treatment slots. Mr. Clark advises that, if money was available (for homeless or other substance abuse clients), it would be possible to increase the licensing capacity of treatment facilities or bring new facilities on line in a fairly short time. However, Mr. Clark advises that the Target Cities grant program was designed at the Federal level to create improved access to treatment and an improved match of clients to treatment; the grant program was not, primarily, designed to expand treatment. Mr. Clark states that CSAS tried to influence the design of the grant program at the Federal level to

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March 8, 1993 Health and Public Safety Committee Meeting

provide more funds for treatment expansion. He advises that the CSAS would violate conditions of the grant if more than 25 percent of the annual grant funding was devoted to treatment expansion in any program year.



Harvey M. Rose

cc: Supervisor Shelley
Supervisor Hallinan
Supervisor Leal
President Alioto
Supervisor Bierman
Supervisor Conroy
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Maher
Supervisor Migden
Clerk of the Board
Chief Administrative Officer
Controller
Teresa Serata
Robert Oakes
Ted Lakey

BOARD OF SUPERVISORS

BUDGET ANALYST

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~~HEALTH, PUBLIC SAFETY & ENVIRONMENT COMMITTEE~~
~~BOARD OF SUPERVISORS~~
~~CITY AND COUNTY OF SAN FRANCISCO~~

~~SPECIAL MEETING~~

TUESDAY, MARCH 22, 1994, 6:30 PM

ELLA HILL HUTCH COMMUNITY
CENTER
1050 McALLISTER STREET
SAN FRANCISCO, CA 94115

MEMBERS: Supervisors Kevin Shelley, Terence Hallinan, Susan Leal

CLERK: Gregoire Hobson

* * * * *

Disability Access

The Ella Hill Hutch Community Center is located at 1050 McAllister Street which is at the intersection of Webster and McAllister Streets.



The Ella Hill Hutch Community Center is wheelchair accessible. The closest accessible BART Station is Civic Center, 2 1/2 blocks from City Hall. Accessible MUNI lines serving this location is the #5 Fulton as well as the #22 Fillmore. For more information about MUNI accessible services, call 923-6142.



There is accessible parking in parking lot of the Ella Hill Hutch Community Center.



Assistive listening devices are available for use. A device can be borrowed prior to or during a meeting from the Clerk of the Committee. Borrower identification is required and must be held by the Clerk.

The following services are available on request 72 hours prior to the meeting or hearing:

For American sign language interpreters or the use of a reader during a meeting, contact Violeta Mosuela at (415) 554-7704.
For a large print copy of an agenda, contact Moe Vazquez at (415) 554-4909.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

1. File 220-94-1. Hearing to consider the quality of life in the Western Addition community – to include public safety, health services, senior and youth services, and other issues of concern to the Western Addition neighborhood. (Supervisor Shelley)

ACTION:

HEALTH, PUBLIC SAFETY AND
ENVIRONMENT COMMITTEE
BOARD OF SUPERVISORS
ROOM 235, CITY HALL
SAN FRANCISCO, CA 94102

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JOINT BUDGET/HEALTH, PUBLIC SAFETY & ENVIRONMENT COMMITTEE
// BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

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3/23/94

WEDNESDAY, MARCH 23, 1994 - 1:00 P.M.

2ND FLOOR, CITY HALL
LEGISLATIVE CHAMBER

MEMBERS: SUPERVISORS HSIEH, SHELLEY, ALIOTO, HALLINAN, BIERMAN, LEAL

CLERK: MARY L. RED

1. File 108-94-1. [AIDS Funding] Hearing to consider the Department of Public Health AIDS Office's report regarding the decline in the number of AIDS cases in San Francisco and its impact on future State and Federal funding. (Supervisor Alioto)

ACTION: Hearing held. FILED.

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HEALTH, PUBLIC SAFETY & ENVIRONMENT COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

REGULAR MEETING

TUESDAY, APRIL 12, 1994, 10:00 A.M.

CITY HALL, ROOM 235
SAN FRANCISCO, CA 94102

MEMBERS: Supervisors Kevin Shelley, Terence Hallinan, Susan Leal

CLERK: Gregoire Hobson

* * * * *

Disability Access

The Board of Supervisors Committee Meeting Room (228) and the Legislative Chamber of the Board are on the second floor of City Hall.



Both the Committee Room and the Chamber are wheelchair accessible. The closest accessible BART Station is Civic Center, 2 1/2 blocks from City Hall. Accessible MUNI line serving this location is the #42 Downtown Loop as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.



There is accessible parking in the vicinity of City Hall adjacent to Davies Hall and the War Memorial Complex.



Assistive listening devices are available for use in the Meeting Room and the Board Chamber. A device can be borrowed prior to or during a meeting. Borrower identification is required and must be held by Room 235 staff.

The following services are available on request 72 hours prior to the meeting or hearing:

For American sign language interpreters or the use of a reader during a meeting, contact Violeta Mosuela at (415) 554-7704.
For a large print copy of an agenda, contact Moe Vazquez at (415) 554-4909.

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1. File 30-94-9. [Health System Reform] Resolution identifying issues of concern related to Health System reform. (Supervisor Shelley)

ACTION:

2. File 97-94-16. [Worker's Compensation Medical Services Preference] DRAFT ordinance amending Administrative Code by adding a new section to establish preference for San Francisco General Hospital in providing medical treatment under the City's Workers' Compensation Program. (Supervisor Leal)

(Cont'd from 3/8/94)

ACTION:

3. File 146-94-2. Hearing to consider the implementation of the \$11 million Target Cities grant, especially substance abuse services for homeless persons and to determine whether substance abuse treatment slots are available at existing service providers but requiring only funding in order to be able to provide substance abuse treatment services. (Supervisor Leal and Alioto)

(Cont'd from 3/8/94)

ACTION:

4. File 100-94-6. [Video Display Equipment] Resolution urging his honor, the Mayor, to ensure that City Departments comply with Terminal Equipment Provisions of the Video Display Terminal Ordinance. (Supervisor Alioto)

ACTION:

5. File 121-94-4. [Automatic Teller Machine Security Measures] Hearing to consider enacting legislation which would require banks operating automatic teller machines in the City and County to provide improved security at these machines. (Supervisor Alioto)

ACTION:

6. File 308-93-1. Hearing to consider the findings in the report on domestic violence issued by the Commission on the Status of Women and to ascertain police and other city response to the crisis of domestic violence in San Francisco. (Supervisors Conroy, Migden, Shelley)

ACTION:

CITY AND COUNTY



OF SAN FRANCISCO

City Report

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 MARKET STREET, SUITE 1025

SAN FRANCISCO, CALIFORNIA 94102 • TELEPHONE (415) 554-7642

April 8, 1994

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TO: ☐ Health, Public Safety and Environment Committee

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FROM: ☐ Budget Analyst

SUBJECT: April 12, 1994 Health, Public Safety and Environment Committee
Meeting

Item 1 - File 30-94-9

Item: Resolution identifying issues of concern related to health system reform.

Description:

1. The Health Commission recently approved a resolution that identified issues of concern related to the various Federal proposals to reform the United State's health care system (Resolution 30-93). The proposed resolution would also identify those issues of concern.
2. According to Ms. Melange Matthews of the Department of Public Health (DPH), there are a few legislative versions of health care reform pending before the Federal House of Representatives and Congress. Ms. Matthews reports that these pieces of legislation are lengthy and are continually being modified. As such, it is difficult at this time to evaluate the impact that these proposed health care reform packages would have on the City and County of San Francisco. Ms. Matthews advises that the Director of DPH will present a side-by-side comparison of these health care reform packages with DPH's analysis at the April 12, 1994 Health, Public Safety and Environment Committee Meeting.
3. There are 16 issues and questions of concern related to Federal health care reform identified in the proposed

Memo to Health and Public Safety Committee
April 12, 1994 Health and Public Safety Committee Meeting

resolution. These issues include the lack of health coverage for undocumented aliens and incarcerated persons under any of the Federal legislative proposals. In addition, the proposed resolution states that a reformed health care system that provides universal access should not construct barriers to enrollment. Universal access means all persons would be allowed access to health care regardless of ability to pay. However, as previously noted, the proposed health care reform packages have defined universal access to exclude access to undocumented aliens and incarcerated persons.

4. Ms. Matthews advises that, if approved by the Board of Supervisors, the proposed resolution would be given to the City's Federal Lobbyist to express the City's concerns on national health care reform.

Comments:

Beyond national health care reform, DPH has been working towards implementing a managed care system of health services. Under managed care, the DPH would shift from a fee-for-service MediCal billing system to a capitation system which is a set allowance periodically paid by the State per enrolled member for providing health care to the individual regardless of health condition.

The State Department of Health Services Strategic Plan for Expanding MediCal Managed Care, released on April 2, 1993, describes a two-plan model in each of the 13 designated counties, including San Francisco, consisting of one mainstream (non-governmentally operated HMO) plan and one local initiative plan. The Board of Supervisors in each county was given first choice to oversee the development of the local initiative. The Board of Supervisors in San Francisco expressed their interest in developing the local initiative through an approved resolution transmitted to the State in June, 1993 (Resolution 412-93), and submitted a formal Letter of Intent to the State by resolution (Resolution 741-93) in September, 1993.

The Letter of Intent stated that the City and County of San Francisco intended to develop the local initiative within the timetable as established in the State's Strategic Plan, beginning operations on March 31, 1995. The Letter of Intent furthermore stated that the San Francisco MediCal Managed Care Local Initiative Steering Committee and its two Advisory Committees would serve as the interim structure for the development of the Local Initiative, and that a description of the governing structure, the legal entity, the number of seats on the governing board, the

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composition of the board, and how board members would be selected would be proposed by March, 1994. A Resolution describing the proposed governance structure will be heard by the Board of Supervisors in April or May of 1994. However, this resolution is not currently pending before the Board of Supervisors.

Recommendation: Approval of the proposed resolution is a policy matter for the Board of Supervisors.

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Item 2 - File 97-94-16

Note: This item was continued by the Health, Public Safety and Environment Committee at its meeting of March 8, 1994.

Item: Draft ordinance amending San Francisco's Administrative Code by adding a new section to establish preference for San Francisco General Hospital in providing medical treatment under the City's Workers Compensation Program.

Description: The proposed draft ordinance would amend the City's Administrative Code to provide that San Francisco General Hospital would receive preference in competitive bidding for the City's workers compensation medical services contract.

At the present time, the Administrative Code authorizes the Retirement Board to contract for hospital, medical and surgical treatment for City employees with industrial injury claims, "with such hospitals or other medical facilities, as the Employees Retirement Board determines necessary and appropriate."

The proposed draft ordinance would amend the Administrative Code to specifically provide that medical service contracts for the City's workers compensation program "shall be awarded in a competitive selection process." The proposed draft ordinance further provides that, "these contracts shall be awarded based solely on objective factors that are related to the ability of the medical service providers to deliver the best medical services to City employees with industrial injury claims in a cost efficient manner..."

Under the proposed draft ordinance, the Employees Retirement Board would score each bidder for medical service provider contracts "on a 100 point scale based on predetermined evaluation criteria and predetermined point value. A ten point rating preference would then be added to the score attained by San Francisco General Hospital."

Comments:

1. The Budget Analyst recently completed a management audit of the Workers Compensation Division (WCD) of the Employees Retirement System (ERS), which found that the use of a primary medical care facility to provide initial medical treatment can provide administrative efficiencies for the WCD. As a result, the Budget Analyst recommended that the ERS undertake competitive selection for a medical facility to provide the initial evaluation and treatment of injured workers. Similarly, the proposed draft ordinance

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would require the Employees Retirement Board to select workers compensation medical service providers based on competitive selection procedures.

2. Since 1982, the initial evaluation and treatment of injured City workers has been performed by Saint Francis Memorial Hospital, under contract to the Employees Retirement System. The contract with Saint Francis Memorial Hospital has never been subject to competitive bidding. The Budget Analyst's recent management audit of the WCD estimated that in 1992-93 the WCD expended \$407,045 more for the services of Saint Francis Memorial Hospital, under the existing contract, than it was required to pay for similar services under alternative pricing schedules which are currently available to the WCD.
3. The proposed draft ordinance would require the ERS to conduct competitive bidding for its WCD medical services contracts, based on a 100 point scale. Following the submission of bids, "a 10 point rating preference shall be added to the score attained by the San Francisco General Hospital," under the proposed ordinance.

The Budget Analyst notes that a "10 point" preference would be equivalent to a 10 percent preference only if SFGH scored a full 100 points (on the 100 point scale mandated by the proposed ordinance) during the evaluation process. If SFGH scores less than the highest possible score of 100 points in the evaluation process, a 10 point preference would be higher than 10 percent of the SFGH bid, as illustrated in the following table:

<u>SFGH actual score</u>	<u>SFGH adjusted score</u>	<u>Percent preference</u>
100 points	110 points	10 percent(10/100)
90 points	100 points	11.1 percent (10/90)
80 points	90 points	12.5 percent (10/80)
70 points	80 points	14.3 percent (10/70)
60 points	70 points	16.7 percent (10/60)

As illustrated above, the actual magnitude of the bidding preference which would be granted to SFGH under the proposed ordinance would depend on the rating scale which is used to evaluate the bids, and the specific score which is achieved by SFGH, based on the rating scale.

4. Mr. Norm Nickens, Executive Assistant to the General Manager of the Employees Retirement System, reports that the ERS has not yet developed a rating scale with which to evaluate bids for the WCD medical services contract, and

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that the rating scale would be developed only after the elements of the contract have been identified and incorporated in a Request for Proposal.

5. In August, 1993, the State Legislature authorized the creation of Workers Compensation Health Care Organizations (HCOs) in order to provide more effective controls over medical treatment costs in workers compensation claims. Unless HCOs are used to provide medical treatment in workers compensation claims, an injured employee is currently entitled to receive medical treatment for an industrial injury from any physician of his or her choice after 30 days following the date of the injury. The use of HCOs would extend the City's ability to control the employee's choice of treating physician from the current 30 day maximum period to up to 365 days.

The Budget Analyst also recommended in the recent management audit that the WCD reassess the City's workers compensation medical delivery systems in light of this recent State legislation. However, since workers compensation health care organizations have only recently been authorized by the State Legislature, they are not available to provide comprehensive workers compensation medical treatment services at the present time. The City's implementation of workers compensation HCOs to provide medical treatment would also require negotiations with employee organizations.

6. As of the writing of this report, the proposed ordinance on file with the Clerk of the Board appears only in draft form and has not been approved as to form by the City Attorney's office. The proposed draft ordinance does not specify the section of the Administrative Code which would be amended. Mr. Dan Maguire of the City Attorney's Office states that he is consulting with the Author's Office of the proposed draft ordinance in order to prepare any necessary amendments to the legislation.

7. According to the Office of the Author of this proposed legislation, a request to continue this item will be made at the April 12, 1994 meeting of the Health, Public Safety, and Environment Committee.

Recommendation: Continue the proposed draft ordinance in accordance with the request of the Author.

BOARD OF SUPERVISORS
BUDGET ANALYST

Memo to Health, Public Safety and Environment Committee
April 12, 1994 Health, Public Safety and Environment Committee Meeting

Item 3 - File 146-94-2

Note: This item was continued by the Health, Public Safety and Environment Committee at its meeting of March 8, 1994.

1. This item is a hearing to consider the status of implementation of the \$11 million Target Cities grant for development of an integrated intake, assessment and referral system for substance abuse treatment services. A special focus of the hearing is to be grant-related substance abuse services for homeless persons. In addition, the hearing is to consider the extent to which substance abuse treatment slots would be available for homeless persons at existing service providers if funding were available.

2. Target Cities is a grant program sponsored by the Federal Center for Substance Abuse Treatment of the Public Health Service. The national goals of the program are to increase access to substance abuse treatment, to increase the effectiveness of addiction treatment, and to foster coordination between addiction treatment providers and other health and social service providers to achieve improved treatment outcomes. The Community Substance Abuse Services Section (CSAS) of the Department of Public Health's Division of Mental Health and Substance Abuse coordinated preparation of San Francisco's grant application. In October, 1993, San Francisco's proposal, entitled Substance Abuse Treatment Access to Intervention and Recovery Services (STAIRS), received funding for first year's activities in the amount of approximately \$1.6 million, with anticipated funding of \$11.6 million over the five-year grant program period. No local matching funds are required.

3. San Francisco Target Cities Project Director Yvonne Frazier, of the CSAS, reports the following accomplishments in the first five months of implementation of the project:

- Establishment of a 27-member Policy Advisory Review Committee.
- Ongoing planning by Subcommittees established during the pre-application period in the following subject areas: (1) criminal justice; (2) diversity; (3) Central Intake Unit; (4) hotline and marketing; (5) women, family and children; (6) health; (7) lesbian, gay and bisexual; (8) site selection.
- Development of implementation plans in the following areas: (1) program evaluation; (2) management information system; (3) program management; and (4) criminal justice system interface.
- Selection of a fiscal agent, the Haight Ashbury Free Medical Clinic, through a competitive bidding process.
- Completion of candidate selection for the positions of Management Information Systems Manager, Assessment Director and Administrative Analyst. Ms. Frazier indicates that, as of the writing of this report, these positions will be offered to the top candidates identified in a competitive selection process. (Approximately 28 staff are expected to be hired in all.) All

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BUDGET ANALYST

Memo to Health, Public Safety and Environment Committee
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positions will be funded through the \$11.6 million grant proceeds. Hiring is being conducted through the fiscal agent; Haight Ashbury Free Medical Clinic. These are not Civil Service positions.

- Initial development of program policies.
- Initial development of protocols for referral of clients with tuberculosis.
- Site visit from Federal Center for Substance Abuse Treatment.
- Initiation of a search for sites for the central intake unit.

4. The STAIRS proposal states that the primary goal of the program is to facilitate access to treatment for substance abuse. The program will establish a centralized intake system for substance abuse services, with several points of entry to the system. According to the proposal, these points of entry will include:

- Two Central Intake Units;
- One Satellite Mini-Assessment Unit at San Francisco General Hospital;
- One Satellite Assessment Unit providing services to clients at San Francisco's Jail;
- Two Rapid Response Personnel capable of conducting intake assessments and referrals in a wide variety of sites and responding to emergencies.

This centralized intake system may be revised because the proposal was funded at a lower level than was requested. Revisions have not yet been determined.

Referrals will be made based on a standardized assessment instrument, to match clients to the most appropriate treatment modality. A computerized slot roster will provide automatic update of available admission space in treatment programs. Because there are long waiting lists for many of San Francisco's substance abuse treatment programs, the proposal states that STAIRS will include a pre-placement treatment program, operating out of the two central intake units, to provide pre-treatment support, counseling and case management while people are waiting to be admitted to treatment programs.

The STAIRS proposal establishes that 25 percent of the grant award will be used (after the start-up year) for expanding treatment services. The proposal would allocate 75 percent of treatment funding for direct treatment increases in areas of identified deficient capacity, and 25 percent of treatment funding for "enabling services" such as child care and transportation to help enable clients to participate in treatment programs. Based on anticipated funding in future years of \$2,500,000 per year (see below), total annual funding for treatment expansion will be approximately \$625,000, of which an estimated \$468,750 would be spent for direct treatment, and \$156,250 for enabling services each year.

5. The original STAIRS proposal requested a total of \$20 million in grant funding. The actual grant award totals \$11.6 million. (This amount covers the full

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Memo to Health, Public Safety and Environment Committee
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five year grant period; actual allocations are made on the basis of annual reviews, so the total may change.) Ms. Frazier advises that the City received full funding for the start-up year, but will have to revise the implementation plans for future years to accommodate lower funding levels. Ms. Frazier reports that the expected levels of grant funding are as follows:

<u>Program Year</u>	<u>Anticipated Funding Level</u>
Year 1	\$1,637,500(actual)
Year 2	2,500,000
Year 3	2,500,000
Year 4	2,500,000
Year 5	<u>2,500,000</u>
TOTAL	\$11,637,500

Ms. Frazier advises that the Policy Advisory Review Committee and the Target Cities staff will hold a retreat in April to revise the Year 2 budget and implementation plans for the San Francisco Target Cities Program. Ms. Frazier states that the 25 percent of annual spending targeted for treatment expansion is a fixed proportion that cannot be changed without approval from the Federal Center for Substance Abuse Treatment.

6. In addition to the Central Intake Unit and services identified above, Ms. Frazier reports that there are two components of the San Francisco Target Cities Program that will be of particular relevance for the homeless population. The three staff who will be assigned to perform "rapid response" assessments and referrals are planned as mobile units who could potentially perform outreach to the homeless population. Ms. Frazier indicates that these personnel will be hired shortly after a central intake unit site has been established, so they will have a base of operations.

Ms. Frazier also states that a pilot voucher program is included in the implementation plan. The proposal states that, under the voucher program, "The assessment may be completed in non-traditional settings (for instance a park)...The client will select the program. The clients will receive priority admission if they contact the program, and the program will be reimbursed for the service." The pilot voucher program is designed to reach individuals who are at risk for HIV and who are not reached by traditional means. Ms. Frazier advises that, while specific plans have not yet been developed for the voucher program, the homeless would be one ideal target for the program.

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7. Mr. Wayne Clark, Director of CSAS, states that the substance abuse treatment system in San Francisco has to turn away approximately 600 to 800 clients per month because of the lack of funds to pay for treatment slots. Mr. Clark advises that, if money was available (for homeless or other substance abuse clients), it would be possible to increase the licensing capacity of treatment facilities or bring new facilities on line in a fairly short time. However, Mr. Clark advises that the Target Cities grant program was designed at the Federal level to create improved access to treatment and an improved match of clients to treatment; the grant program was not, primarily, designed to expand treatment. Mr. Clark states that CSAS tried to influence the design of the grant program at the Federal level to provide more funds for treatment expansion. He advises that the CSAS would violate conditions of the grant if more than 25 percent of the annual grant funding was devoted to treatment expansion in any program year.

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Item 4 - File 100-94-6

Department: Mayor's Office

Item: Resolution urging the Mayor to ensure that City departments comply with terminal equipment provisions of the Video Display Terminal Ordinance.

Description: In December of 1990 the Board of Supervisors approved the San Francisco Video Display Terminal (VDT) Ordinance (File 118-90-5). The VDT Ordinance regulates the operation of VDT workstations by City departments. Additionally, the VDT Ordinance requires that City departments upgrade all VDT equipment that does not comply with requirements of the VDT Ordinance by January 26, 1995.

According to the proposed resolution, several City departments that have not upgraded their VDT equipment continue to report cumulative trauma injuries that could be attributable to their VDT equipment which does not comply with the VDT Ordinance. The proposed resolution also states that City Departments have not been provided with sufficient funding in their budgets to make the upgrades necessary to comply with the VDT Ordinance.

The proposed resolution urges the Mayor (a) to ensure that City departments comply with the VDT Ordinance, (b) to urge City departments to include budget requests for the required VDT equipment upgrades and (c) to approve departmental budget requests for the required VDT equipment upgrades.

Comments: 1. The Bureau of Toxics, Health and Safety Services of the Department of Public Health is responsible for enforcement of the VDT Ordinance. Mr. Richard Lee of the Bureau of Toxics, Health and Safety Services summarizes the VDT equipment provisions of the VDT Ordinance as follows:

- Chairs used by VDT operators must be easily adjustable for height and angle and have adjustable backrests;
- Arm rests, wrist rests, foot rests and adjustable document holders are available to VDT operators on request;
- VDTs must have detachable keyboards and properly positioned terminal display supports;

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- The lighting levels for offices containing VDT workstations must be reduced to the minimum level required for reading in order to increase the contrast of the VDT screen to the surrounding room and reduce glare;
- Desk lamps to illuminate documents being recorded/entered at the VDT workstation and anti-glare screen covers must be available upon request of the VDT workstation operator;
- VDTs must have screens that are clean, clear and free of perceptible flicker; and
- Noise from VDTs must be reduced by adding noise insulation materials to printers.

2. Mr. Lee advises that based on an estimated total of between 1,000 and 2,000 VDTs throughout City departments and an estimated cost of between \$500 and \$1,000 for required upgrades to each VDT, the City's total cost of implementation of the proposed resolution would be between \$500,000 and \$2,000,000. Mr. Lee estimates that approximately half of the VDT workstations have already been brought into compliance with VDT Ordinance requirements leaving a balance of approximately 500 to 1,000 VDTs yet to be upgraded at a cost of between \$250,000 and \$1,000,000.

3. Ms. Theresa Lee of the Mayor's Office advises that the Mayor supports the VDT Ordinance and will encourage the departments most affected by the VDT Ordinance to include funding for VDT upgrades in their Fiscal Year 1994-95 budget requests. Ms. Lee further advises that although there are no new funds available for VDT upgrades, the departments most affected by the VDT Ordinance could fund these upgrades within their Fiscal Year 1994-95 allocations. The Mayor's budget instructions for Fiscal Year 1994-95 include budget incentives to allow those departments that have budgetary surpluses at the end of Fiscal Year 1993-94 to use some of the surplus funds in Fiscal Year 1994-95 for one-time only projects which can include VDT equipment upgrades, according to Ms. Lee.

Recommendation: Approval of the proposed resolution is a policy matter for the Board of Supervisors.

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BUDGET ANALYST

Memo to Health, Public Safety, and Environment Committee
April 12, 1994 Health, Public Safety, and Environment Committee Meeting

Item 5 - File 121-94-4

1. This is a hearing to consider enacting legislation which would require operators of automatic teller machines in the City and County, including banks, savings and loan associations, credit unions, industrial loan companies, savings banks, or other business entities, to provide improved security at these machines.

2. According to the Police Department, in 1993, a total of 185 automatic teller machine (ATM)-related crimes were reported (a) to the Police Department, (b) to the Bank of America, and (c) to the Wells Fargo Bank. The following illustrates a breakdown of reported ATM-related crimes:

Reported crimes to Bank of America for 1993 that were not reported to the Police Department ¹	50
Reported crimes to Wells Fargo for 1993 that were not reported to the Police Department ¹	40
Reported crimes to the Police Department for crimes other than Robberies, such as Vandalism	40
Reported crimes to the Police Department for Strongarm Robbery or Grand Theft	<u>55</u>

Total	<u>185</u>
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3. In January of 1989, the State of California approved Assembly Bill 244, known as the Calderon Bill, in response to the growing incidence of ATM-related crimes and the need for uniformity in ATM security legislation throughout the State. According to Mr. Curtis Ensley, Vice President and Manager of the Protective Services Division for Bank of America, the Calderon Bill has been used as a model by other States that are implementing uniform, State-wide ATM security legislation. The major provisions of the Calderon Bill are as follows:

- The operator of an ATM must provide lighting during hours of darkness with respect to (a) an open and operating ATM, (b) any parking area, (c) access area, and (d) the exterior of an enclosed ATM according to the following standards:

(a) There must be a minimum of ten candlefeet power² at the face of the ATM and extending five feet in an unobstructed direction outward.

(b) There must be a minimum of two candlefeet power within 50 feet from all unobstructed directions from the face of the ATM. In the event that the ATM is located within ten feet of the corner of a building and the ATM is

¹ Officer Rich Alves of the Robbery Abatement Unit of the Police Department reports that many petty thefts committed against users of ATMs are not reported to the Police Department.

² Candlefoot power is defined as the light intensity of candles on a horizontal plane at 36 inches above ground level and five feet in front of the candles.

Memo to Health, Public Safety, and Environment Committee
April 12, 1994 Health, Public Safety, and Environment Committee Meeting

generally accessible from the adjacent side, there must be a minimum of two candlefeet power along the first 40 unobstructed feet of the adjacent side of the building.

(c) There must be a minimum of two candlefeet power in that portion of the parking area within 60 feet of the ATM.

• Customers using ATMs must be furnished by the operator of the ATM with written notices of basic safety precautions that customers should employ while using an ATM.

• The foregoing provisions do not apply if the ATM is:

(a) Located inside of a building, unless it is a freestanding installation which exists for the sole purpose of providing an enclosure for the ATM.

(b) Located inside of a building, except to the extent a transaction can be conducted from outside of the building.

(c) Located in any area, including any access area, building, enclosed space, or parking area which is not controlled by the operator of the ATM.

5. All operators of ATMs in the State of California were required to implement the foregoing security measures by no later than July 1, 1993. Because the Police Department has been tracking ATM-related crimes only since July of last year, the Police Department cannot at this time provide data as to whether the State's adoption of the Calderon Bill has resulted in a reduction in the incidence of ATM-related crimes.

6. Mr. Ensley reports that Bank of America expended over \$5 million in order to comply with the provisions of the Calderon Bill.

7. The Calderon Bill also contains the following provision:

This division [Division 4 of the California Financial Code] supersedes and preempts all rules, regulations, codes, statutes, or ordinances of all cities, counties, cities and counties, municipalities, and local agencies regarding customer safety at ATMs located in California.

According to Mr. Burke Delventhal of the City Attorney's Office, because of this provision, the Board of Supervisors lacks the authority to impose duties on operators of ATMs by requiring them to implement security measures at ATMs. Mr. Delventhal advises that the Board of Supervisors should instead adopt a resolution encouraging the State to approve legislation that would require banks to implement additional security measures at ATMs.

8. The Author's Office and the City Attorney's Office are currently drafting legislation to accompany this request that is consistent with the Board of Supervisors' authority regarding ATM security.

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9. The Author's Office is requesting that this item be continued until the May 10, 1994, Health, Public Safety, and Environment Committee Meeting.

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Memo to Health, Public Safety and Environment Committee
April 12, 1994 Health, Public Safety and Environment Committee Meeting

Item 6 - File 308-13-1

Departments: Commission on the Status of Women
Police Department
District Attorney
Adult Probation

Item: Hearing to consider the findings and recommendations contained in the report on domestic violence issued by the Commission on the Status of Women, and to ascertain the Police Department's and other City departments' responses to the crisis of domestic violence in San Francisco.

Description: In October, 1993, the City's Commission on the Status of Women, in conjunction with the Family Violence Prevention Fund (a San Francisco-based non-profit organization), issued a report entitled, "A Study of Family and Domestic Violence Homicide Cases in San Francisco." This report, which was prepared in collaboration with the San Francisco Police Department, examined Police Department data on every solved homicide case that occurred in the City during 1991 and 1992.

Included in the report's findings were the following statistics:

- 64% of all solved female homicide cases were due to family and domestic violence.
- 38% of all solved homicide cases (both female and male) were due to family and domestic violence.
- 86% of homicide/suicide cases were due to family and domestic violence, in which the majority involved a husband killing his wife and then killing himself.

In addition, the report made a number of recommendations to address the problems identified in the report, including:

Police Department

- Provide training to all Police Officers and Communication Dispatchers regarding the use of emergency protective orders in responding to domestic violence situations and to provide on-going domestic violence training to all Police Officers and Supervisors through the annual Advanced Officers Training Program.
- Establish a separate Domestic Violence Unit within the Police Department.

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BUDGET ANALYST

District Attorney

- Increase prosecutions of domestic violence cases, particularly misdemeanor crimes.
- Establish a special prosecution unit with fully-funded advocacy services on a misdemeanor level.

Adult Probation

- Establish a centralized Domestic Violence Unit that includes felony and misdemeanor and diversion cases.

Comments:

1. According to Ms. Rosario Navarrette of the Commission on the Status of Women, the Commission has begun meeting with the Police, District Attorney and Adult Probation Departments to discuss implementing the report's recommendations.
2. Lt. Sandra Tong of the Police Department reports that, as recommended in the Commission's report, the Department will begin providing training to all Police Officers and Communication Dispatchers in the use of emergency protective orders in responding to domestic violence situations. According to Lt. Tong, this training, which will commence in May, 1994, will consist of a one-hour training session held at all stations, is estimated to cost \$5,000 which represents the overtime pay to the Police Sergeants who will be conducting the training, and will be funded from the Police Department's existing operating budget.
3. Regarding the report's recommendation to provide on-going domestic violence training to all Police Officers and Supervisors through the annual Advanced Officers Training Program, Lt. Tong reports that the Department will include one hour of training in the curriculum, beginning in June, 1994, which will be conducted by on-duty Police Officers, and will therefore be funded from the Police Department's existing operating budget.
4. In addition, Lt. Tong reports that the Police Department has not been able to establish a fully-funded separate Domestic Violence Unit, as recommended in the Commission's report. According to Lt. Tong, the Department is working with the District Attorney's Office to develop an implementation plan for establishing a separate Domestic Violence Unit. Within the next six months, the proposed plan will be presented to the Chief of Police and the Police

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April 12, 1994 Health, Public Safety and Environment Committee Meeting

Commission for approval. As part of the proposed plan, any additional funding requirements, which are not presently known, will be determined.

5. Regarding the recommendation to increase prosecutions of domestic violence cases, particularly misdemeanor crimes, Ms. Candice Heisler of the District Attorney's Office reports that, due to budget constraints, the District Attorney has not been able to achieve this goal. Ms. Heisler reports that the District Attorney's Investigations Unit supports prosecutions of misdemeanor domestic violence cases by locating and serving witnesses with subpoenas, locating and interviewing additional witnesses, obtaining evidence and, in some cases, investigating cases and obtaining arrest warrants. However, according to Ms. Heisler, to increase the number of misdemeanor domestic violence prosecutions, the District Attorney would have to add one Senior Investigator and two Assistant Investigators, at an estimated annual cost of \$145,000. (According to Ms. Heisler, the Police Department does not provide any follow-up or support for prosecutions resulting from misdemeanor arrests by uniformed Police Officers.) However, Ms. Heisler reports that the District Attorney does file all domestic violence misdemeanor arrest cases that are presented with sufficient evidence to be prosecuted. In addition, according to Ms. Heisler, the District Attorney has identified certain recurring problems which have prevented misdemeanor prosecution and has worked with the Police Department to address those problems. Ms. Heisler reports that, due to budget constraints, the District Attorney has not been able to establish a fully-funded special prosecution unit for misdemeanor domestic violence cases, as recommended in the Commission's report. According to Ms. Heisler, a fully-funded unit would require at least four Trial Attorneys and two Senior Attorneys, at an estimated annual cost of \$464,000. Currently, there is no staff assigned specifically to misdemeanor domestic violence cases.

6. Ms. Heisler also advises that, due to budget constraints, the District Attorney has not been able to establish fully-funded advocacy services for misdemeanor domestic violence cases, as recommended in the Commission's report. However, according to Ms. Heisler, the District Attorney is providing advocacy services through a program known as the Family Violence Project, although this project is not fully-funded. This project is staffed by six Advocates (two of which are currently in the process of being filled) plus seven to ten non-paid college and graduate school-level interns. Ms. Heisler reports that in order to provide fully-funded advocacy

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BUDGET ANALYST

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April 12, 1994 Health, Public Safety and Environment Committee Meeting

services, the following additional resources would be needed, representing approximately \$233,000 in additional annual funding: (1) approximately four more Advocates and ten more college and graduate school-level interns and (2) at least two Clerk Typists (currently there is no clerical support). Additional space to accommodate these positions would also be needed, although cost estimates are not currently available, according to Ms. Heisler.

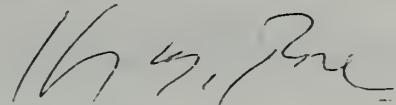
7. Regarding the recommendation to establish a centralized Domestic Violence Unit that includes felony and misdemeanor and diversion cases, Ms. Arlene Sauser of the Adult Probation Department reports that the Department has assigned two Probation Officers to handle domestic violence cases. In addition, Ms. Sauser advises that, in order for the Department to establish a fully-funded Domestic Violence Unit, four new Probation Officers, at an approximate annual cost of \$212,000, would be needed. Ms. Sauser also reports that the Department does mandate 16 hours of domestic violence training for all Probation Officers and Supervisors and that domestic violence cases are given special consideration for supervision.

8. In summary, the current estimates of the annual additional costs to the City in order to fully implement the recommendations contained in the report on domestic violence issued by the Commission on the Status of Women are as follows:

<u>District Attorney</u> to increase prosecutions of domestic violence cases, particularly misdemeanor crimes (\$145,000), and to establish a fully-funded special prosecution unit (\$464,000), with advocacy services, (\$233,000) for misdemeanor domestic violence cases.	\$842,000
<u>Adult Probation</u> to establish a fully-funded domestic violence unit.	<u>212,000</u>
Total estimated additional costs, provided by the District Attorney's Office and the Adult Probation Department, which are required to fully comply with the recommendations contained in the report on domestic violence issued by the Commission on the Status of Women	<u>\$1,054,000*</u>

Memo to Health, Public Safety and Environment Committee
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*Excludes \$5,000 to train all Police Officers and Communication Dispatchers in emergency protective orders since such costs are to be absorbed in the Police Department's existing budget. Also excludes (a) cost estimates for a separate Police Department domestic violence unit since these costs are not currently known and (b) cost estimates for additional space in the District Attorney's Office since these estimates are not currently available.



Harvey M. Rose

cc: Supervisor Shelley
Supervisor Hallinan
Supervisor Leal
President Alioto
Supervisor Bierman
Supervisor Conroy
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Maher
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HEALTH, PUBLIC SAFETY & ENVIRONMENT COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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SAN FRANCISCO
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REGULAR MEETING

TUESDAY, APRIL 26, 1994, 10:00 A.M.

CITY HALL, ROOM 235
SAN FRANCISCO, CA 94102

MEMBERS: Supervisors Kevin Shelley, Terence Hallinan, Susan Leal

CLERK: Gregoire Hobson

* * * * *

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1. File 12-94-21. [State Legislation, AB 2418, Equal Pricing Act] Hearing to consider supporting AB 2418 concerning the equal pricing act. (Supervisor Shelley)

ACTION:

2. File 207-93-13. Hearing to consider the status report of the Police Department's actions in relation to the Board of Supervisors various 911 resolutions, including specific circumstances concerning the 911 response to the 101 California Street incident. (Supervisors Shelley and Alioto)

ACTION:

3. File 97-94-23. [Emergency Services, Combined 911 Communication] DRAFT ordinance amending the San Francisco Administrative Code by amending Section 7.7 to authorize the Director of Emergency Services to act as Manager of the Combined 9-1-1 Emergency Communications Center, in the capacity of Director, Mayor's Office of Emergency Services and Public Safety Communication (911). (Supervisor Shelley)

ACTION:

4. File 12-94-20. [Medi-Cal Local Initiative Governance Structure] Resolution approving the governance structure for the San Francisco Medi-Cal Managed Care Local Initiative. (Supervisor Leal)

ACTION:

5. File 12-94-22. [State Legislation, SB 1293, Local Gun Control Law] Hearing to consider support for SB 1293 relating to State preemption of local gun control laws. (Supervisor Shelley)

ACTION:

HEALTH, PUBLIC SAFETY AND
ENVIRONMENT COMMITTEE
BOARD OF SUPERVISORS
ROOM 235, CITY HALL
SAN FRANCISCO, CA 94102

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April 22, 1994

TO: Health, Public Safety and Environment Committee
FROM: Budget Analyst *Recommendations.*
SUBJECT: April 26, 1994 Health, Public Safety and Environment Committee
Meeting

Item 2 - File 207-93-13

Note: This item was continued at the January 11, 1994, meeting of the Health, Public Safety, and the Environment Committee

1. This item is a hearing to consider the status report of the Police Department's actions in relation to the Board of Supervisors 911 resolutions, including specific circumstances concerning the 911 response to the 101 California Street incident.

2. The San Francisco Police Department's Communications Control Center is designated as the Public Safety Answering Point (PSAP) for 911 emergency calls in the City and County of San Francisco. PSAP operators (call evaluators), receiving 911 bona-fide emergency calls, transfer such calls to police dispatchers, or to call evaluators at the Health Department or the Fire Department. The 911 Emergency Telephone System is one part of a three component process that delivers emergency assistance services to the public. The other two components are the dispatch systems for each of the services and their respective service delivery units. The major functions performed in the Police Department's Communications Center are as follows:

- Receiving 911 calls
- Requesting translation services, when required
- Evaluating 911 calls
- Transferring 911 calls to the proper agency
- Dispatching police units in response to 911 calls
- Receiving police non-emergency calls via 553-0123

Memo to Health, Public Safety and Environment Committee
April 26, 1994, Health, Public Safety and Environment Committee Meeting

- Evaluating 553-0123 calls
- Transferring non-emergency calls to other agencies, when appropriate
- Dispatching police units in response to 553-0123 call
- Recording 911 emergency calls and police radio communications

3. The Board of Supervisors approved six resolutions concerning the 911 emergency system in February of 1993. Those resolutions were as follows:

- File 207-92-11. Urging the Mayor to authorize sufficient funding in the FY 1993-94 Police Department budget to fully staff the Communications Center;
- File 207-92-11.2. Urging the Mayor to institute the civilianization of the supervisorial positions in the Police Department Communications Center.
- File 207-92-11.3. Urging the Mayor to institute a public education program to inform the public of the proper use of 911.
- File 207-92-11.4. Urging the Mayor to establish response-time goals for the 911 and non-emergency lines.
- File 207-92-11.5. Urging the Mayor to develop a program to reduce dispatcher injuries and illnesses and to maintain staffing at authorized levels.
- File 207-92-11.6. Urging the Mayor to find alternatives to installing an automated attendant system on the non-emergency line.

4. The Police Department has provided the Budget Analyst with an update of the status of the Department's responses to the six resolutions in a memorandum dated April 22, 1994. The memorandum is attached to this report (Attachment).

5. The Police Department completed its report on the 101 California incident in August of 1993. That report was released to the public. In addition, at the direction of the Mayor, the Director of the Mayor's Office of Emergency Services, Admiral (Retired) John Bitoff, conducted a management audit of the 911 System. Admiral Bitoff's audit report was also completed in August of 1993 and released to the public.

6. As stated in the Attachment, Deputy Chief Frank Reed and Captain Thomas Donohoe of the Police Department will be available at the Health, Public Safety and Environment Committee meeting of April 26, 1994 in order to respond to any questions which the Committee might have.



POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO
HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103

ANTHONY D. RIBERA
CHIEF OF POLICE

April 22, 1994

John L. Taylor
Clerk of the Board
Room 235 City Hall
San Francisco, CA 94102

Dear Mr. Taylor:

This letter is in response to the hearing before the Public Safety Committee on April 26, 1994. The hearing is to update the status of the 911 resolutions approved by the Board in February of 1993.

File 207-92-11 STAFFING:

A class of 13 dispatchers will begin training on May 16, 1994 and another class will begin on June 20, 1994. This will exhaust all available requisitions.

File 207-92-11-2 CIVILIZATION:

The only sworn member of the San Francisco Police Department is Captain Thomas P. Donohoe. A position is in the budget for a Civilian Director and will be filled during the next fiscal year.

File 207-92-11.3 PUBLIC EDUCATION:

This item was previously addressed in my letter dated October 6, 1993. This education will be ongoing by Project SAFE.

File 207-92-11.4 DISPATCH TIME:

The Department has established the following goals for dispatching units:

A Priority Calls	2 minutes
B Priority Calls	10 minutes
C Priority Calls	60 minutes

File 207-92-11.5 INJURY AND ILLNESS REDUCTION:

All dispatchers have been given training in the correct ergonomics to reduce injuries. All supervisors have been instructed to take corrective action if inappropriate behavior is observed.

Mr. John L. Taylor
Clerk of the Board

April 22, 1994
Page 2

File 207-92-11.6 AUTHORIZED ATTENDANT SYSTEM
This program has been put on hold, but feasibility studies will continue.

Item 6, 7 and 8 of File 207-93-13 from the Budget Analyst were previously addressed on December 14, 1993 by Captain James Molinari.

Other:

1. The consolidation Emergency Communication Center is on schedule
2. The 800 mhz radio system will be phased in beginning in July 1994
3. The new CAD system and computer system is on schedule.

If further information is needed on any of these or other Communication issues please contact Captain Thomas Donohoe of the Communications Division at 553-1042.

Deputy Chief Reed and Captain Donohoe will be in attendance at the Committee meeting on April 26, 1994.

Sincerely yours,

A. Ribera
ANTHONY D. RIBERA
Chief of Police

Item 3 - File 97-94-23

Departments: Mayor's Office of Emergency Services (OES)
Police Department
Fire Department
Department of Public Health (DPH)
Department of Parking and Traffic (DPT)

Item: Draft ordinance amending the San Francisco Administrative Code by amending Section 7.7 to authorize the Director of Emergency Services to act as Manager of the Combined 911 Emergency Communications Center, while acting in the capacity of Director of the Mayor's Office of Emergency Services and Public Safety Communications (911).

Description: In 1993, the Board of Supervisors approved Ordinance 419-93, which amended Section 7.7 of the San Francisco Administrative Code, to authorize the Director of the Mayor's Office of Emergency Services (OES) to manage the City and County's new consolidated 911 Communications System Facility (to be completed within the next three years) and to direct all operations related to the taking of calls from members of the public seeking emergency Police, Fire and medical assistance and the dispatch of such services as required. These functions are now performed by multiple City and County Departments, at various locations, with the Police Department managing the 911 emergency call-taking function and the dispatch of emergency Police, Fire, medical and traffic control services being managed by the Departments of Police, Fire, Public Health and Parking and Traffic, respectively.

The original ordinance also authorized the transfer of all programs and staff related to emergency services call-taking and dispatch to OES, with the exception of emergency medical services, such transfer having to first be approved by the San Francisco Health Commission (such approval not having been granted at this time). In addition, the ordinance specified that these duties imposed on the Director of OES, and the transfer of programs and staff to OES, would become effective on the date that the new consolidated 911 Communications System Facility was anticipated to be operational, such date to be certified by the Chief Administrative Officer approximately 180 days prior to the estimated completion date.

The proposed ordinance would amend the original ordinance, which is now part of Section 7.7 of the City's Administrative Code, in the following ways:

BOARD OF SUPERVISORS
BUDGET ANALYST

- a. The Director of OES would still operate the 911 Communications System Facility, but such operation would be conducted under joint agreements with and between the Police Department, Fire Department, Department of Parking and Traffic, and the Department of Public Health's Paramedic Division. Each of these agreements would be subject to the approval by the respective Commissions.
- b. All programs and civilian staff related to emergency services call-taking and dispatch would still be transferred to OES, as currently provided in the Administrative Code, but the uniformed forces of the Police and Fire Departments would be detailed to OES, as set forth in the interdepartmental agreements described in (a) above. According to Mr. Carl Hedleston, Coordinator of OES, detailing of uniformed personnel to OES means that these individuals would be assigned by their respective Departments to work at the new consolidated 911 Communications System Facility under the management of the Director of OES but that these individuals would still be employees of their respective Departments.
- c. Regarding the dispatch of emergency services, the Police Department, Fire Department, Department of Parking and Traffic and the Department of Public Health's Paramedic Division would continue to exercise operational control in accordance with the Departments' respective regulations.
- d. An Emergency Communications Policy Board would be created to provide policy oversight on those aspects of the 911 Communications System Facility's joint operations that directly affect the participating Departments' conduct of call-taking and dispatch functions. The Policy Board would not, however, set policy for those matters related to each Department's dispatch functions nor would the Policy Board assume the responsibility for the daily operation of the 911 Communications System Facility. This Policy Board would consist of the Director of OES, who would serve as the Board's Chair; the Chief of Police; the Chief of the Fire Department; the Executive Director of the Department of Parking and Traffic; the Director of the Department of Public Health; and the Mayor, who would act as an ex-officio member.

BOARD OF SUPERVISORS
BUDGET ANALYST

Memo to Health, Public Safety and Environment Committee
April 26, 1994 Health, Public Safety and Environment Committee Meeting

e. As currently provided in the Administrative Code, the Director of OES would still need the approval of the Health Commission before assuming responsibility for the call-taking and dispatch pertaining to emergency medical services, such approval not having been granted at this time.

Comment: The Author's Office has advised the Budget Analyst that a continuance of this item will be requested.

Recommendation: Continue the proposed ordinance, as requested by the Author's Office.

Item 4 - File 12-94-20

1. This item concerns a proposed resolution approving the governance structure for the San Francisco Medi-Cal Managed Care Local initiative; supporting State legislation (AB 2755) authorizing the City to create a separate legal entity (the San Francisco Local Initiative Authority) to establish the local initiative component of the State's strategic plan for Medi-Cal managed care; and directing the City's advocate in Sacramento to carry out all necessary actions to effect this Resolution.

2. Currently, the Department of Public Health (DPH) provides health care to Medi-Cal beneficiaries on a fee-for-service basis, whereby Medi-Cal reimburses the County after medical services have been provided.

In order to improve the cost effectiveness of medical services provided to Medi-Cal beneficiaries, the State Department of Health Services (SDHS) has undertaken the development of a managed care system. Under a managed care system, the City would receive from Medi-Cal periodic payments of a "capitated" amount, which would be the sum of negotiated payment rates for all Medi-Cal beneficiaries that the City enrolls. This would be a fixed, prepaid amount, regardless of services provided, rather than a reimbursement after the medical services have already been rendered, as is presently the case. Medi-Cal patients would be assigned a primary care provider, who would provide basic care and would decide when a referral to a specialist or admission to a hospital is necessary. The goal of a managed care delivery system would be to eliminate inappropriate emergency room use and specialty services and to provide an incentive for preventive care.

3. In the Fall of 1992, the traditional providers of care for Medi-Cal beneficiaries and the uninsured in San Francisco took the initiative to form a local leadership group made up of the DPH, the West Bay Hospital Conference, the San Francisco Medical Society, and the San Francisco Community Clinic Consortium, a non-profit agency, to guide planning efforts and to work collectively to identify an approach to managed care that would best meet the needs of San Franciscans.

4. The SDHS released its Final Strategic Plan, "The Department of Health Services' Plan for Expanding Medi-Cal Managed Care" in April 1993, in which the City and County of San Francisco was one of the 13 counties designated for managed care expansion.

In its Final Strategic Plan, the SDHS mandated that there must be two managed care plans in each designated county in order to foster competition in the rendering of health services. The first is a mainstream, private, non-governmentally operated Health Maintenance Organization (HMO) plan. The second plan must be a "local initiative," a new entity consisting of local providers, both public and private, and a governing body. In September 1993, the Board of Supervisors approved a resolution (File 30-93-15) which expressed to the State Department of Health Services that the City intends to develop a local initiative for a managed care system which meets the State's requirements.

BOARD OF SUPERVISORS
BUDGET ANALYST

Memo to Health, Public Safety and Environment Committee
April 26, 1994 Health, Public Safety and Environment Committee Meeting

DPH reports that the City must begin to provide services through its local initiative managed care program beginning on March 31, 1995. However, there are three separate organizational alternatives for the local initiative component. In a Letter of Intent which was previously authorized by the Board of Supervisors (File 30-93-15), DPH notified the SDHS of its intent to identify the organizational form for the local initiative by April, 1994. The proposed resolution (File 12-94-20) would approve the use of a "County Organized Health System (COHS) Look-Alike" organizational structure (one of the three available options) for the City's managed care local initiative.

5. The proposed resolution would (1) support State legislation (AB 2755) authorizing the City to create a separate legal entity (the San Francisco Local Initiative Authority) to establish the local initiative component of the State's strategic plan for Medi-Cal managed care; (2) approve the governance structure for the City's Medi-Cal Managed Care local initiative, as set forth in the proposed State legislation (AB 2755); and (3) direct the City's advocate in Sacramento to carry out all necessary actions to effect this Resolution.

In other words, in addition to supporting AB 2755 (which would authorize San Francisco to create the San Francisco Local Initiative Authority), the proposed resolution (File 12-94-20) would also confer the Board of Supervisors advance approval for the Local Initiative Authority's governance structure, as outlined in AB 2755. According to Ms. Carol Piccione of DPH, the proposed resolution would not be an enabling statute to establish the San Francisco Local Initiative Authority. Rather, the creation of the Local Initiative Authority would require approval by the Board of Supervisors of a separate enabling ordinance in the future, after the State Legislature has finally enacted AB 2755 to authorize the creation of the Authority.

6. AB 2755 would authorize the City to create a San Francisco Local Initiative Authority to oversee and direct the City's managed care local initiative in accordance with State requirements. AB 2755, which defines the proposed governance structure for the Local Initiative Authority, specifically provides as follows:

The [City and County of San Francisco] may, by resolution or ordinance, establish an Authority to act as and be the local initiative... If the Board of Supervisors of the City and County of San Francisco elects to enact this ordinance, all rights, powers, duties, privileges, and immunities vested [in] a County under Articles 2.8 and 2.97 [of the State Welfare and Institutions Code] shall be vested in the Authority. The Authority shall have in addition... all power necessary and appropriate to operate programs involving health care services... The Authority shall be considered an entity separate and distinct from the County... the Authority shall not be considered to be an agency, division, department, or instrumentality of the County... The County may terminate the Authority, but only by an ordinance approved by a two-thirds affirmative vote of the full Board...

Under AB 2755, the Authority would be authorized to enter into contracts with the SDHS to provide or arrange for health care services for Medi-Cal beneficiaries.

The proposed resolution (File 12-94-20) states that "the proposed governance structure for the San Francisco local initiative will not supersede the regular review and authorization process by the Health Commission of any and all policy matters related to the activities and financial endeavors of the Department of Public Health." The Budget Analyst recommends that the proposed resolution be amended to also reflect that the proposed governance structure for the local initiative would not supersede the current authority of the Mayor and the Board of Supervisors (in addition to the Health Commission) to review and authorize the activities of the Department of Public Health. The text of the proposed resolution (at page 2, lines 1 through 4) should therefore read, "The proposed governance structure for the San Francisco Local Initiative will not supersede the regular review and authorization process by the Health Commission, *the Mayor, and the Board of Supervisors*, of any and all policy matters related to the activities and financial endeavors of the Department of Public Health."

7. According to DPH, the City and County of San Francisco would not be financially liable for the operations of the proposed Local Initiative Authority. The proposed State legislation to authorize the Local Initiative Authority specifically provides that,

Notwithstanding any other provision of law, any obligations of the Authority, statutory, contractual, or otherwise, shall be the obligations solely of the Authority, and shall not be the obligations of the County, unless specifically provided for in a contract between the Authority and the County...

However, AB 2755 provides that the City's Controller or designee, "at such intervals as the Controller determines appropriate, shall conduct a review of the fiscal condition of the Authority," and report the findings to the Authority and to the Board of Supervisors. Ms. Piccione states that this audit provision was included at the advice of the City Attorney to provide for fiscal oversight of the Authority by the City, but that the Controller has not been consulted concerning this provision. The Budget Analyst notes that this language in AB 2755 imposes a mandate on the Controller, who "shall" audit the Authority, rather than authorizing an audit at the Controller's discretion. The Budget Analyst recommends that the Board of Supervisors request the Local Initiative Steering Committee to propose an amendment to AB 2755 to provide only that the Controller "may" (rather than "shall") conduct a review of the fiscal condition of the Authority, as the Controller deems appropriate. Mr. John Madden, the Chief Assistant Controller, states that the Controller's Office has not had an opportunity to review the proposed AB 2755, but that the more general "may" is usually preferable to a specific mandate that the Controller "shall" perform specific functions.

Memo to Health, Public Safety and Environment Committee
April 26, 1994 Health, Public Safety and Environment Committee Meeting

In addition, AB 2755 would authorize the Authority to borrow funds from the City, and would authorize the City to issue revenue anticipation notes in order to obtain "those funds necessary to commence operations or perform the activities of the Authority." AB 2755 does not contain any specific limitations or terms concerning the borrowing of City funds by the Local Initiative Authority. Mr. Madden states that, since the Controller's Office has not had an opportunity to review the proposed AB 2755, it would be inappropriate at the present time for the Controller's Office to assess the potential impacts of using loans or revenue anticipation notes to raise funds for the Local Initiative Authority.

8. AB 2755 provides for a San Francisco Local Initiative Authority Governing Body of 18 "voting members" and 1 non-voting member. Under AB 2755, the Governing Body would be appointed for the express purpose of representing and furthering the interests of the specific health care providers and other economic interests whose representatives would constitute the Governing Body.

The one non-voting member of the Governing Body would be appointed by the Health Commission. Of the 18 voting members of the Governing Body, one shall be appointed by the Mayor; one shall be the Director of Public Health or designee; one shall be the Director of Mental Health or designee; and one shall be the Chancellor of the University of California at San Francisco or designee. The 14 remaining voting members would be appointed by the Board of Supervisors; however, the Board of Supervisors would be required initially to make its appointments from among the members of the San Francisco Local Initiative Steering Committee, to the extent that these members meet the required qualifications as stated in the proposed State legislation and are willing to serve (a list of the Steering Committee members is attached to this report).

The Board of Supervisors would be required to appoint 14 voting members of the Governing Body of the San Francisco Local Initiative Authority from candidates who possess the following qualifications:

One shall be a member of the Board of Supervisors, or shall be any other person designated by the Board of Supervisors;

One shall be a senior management employee of a hospital (other than hospitals operated by the City or the University of California), who is nominated by the Westbay Hospital Conference;

Two shall be senior management employees of hospitals designated as "disproportionate share" hospitals under the Medi-Cal program; at least for the initial term, one of these shall be a senior manager at San Francisco General Hospital, and one shall be a senior manager at Saint Luke's Hospital;

Two shall be senior management employees of either private non-profit community clinics or a consortium of clinics, and shall be nominated by the San Francisco Community Clinic Consortium;

Two shall be physicians nominated by the San Francisco Medical Society;

One shall be nominated by the San Francisco Labor Council;

Two shall be persons nominated by the Beneficiary Committee of the Local Initiative Authority, one of whom shall be a Medi-Cal beneficiary;

BOARD OF SUPERVISORS
BUDGET ANALYST

Two shall be persons knowledgeable in "matters relating to traditional safety net providers, healthcare organizations, the Medi-Cal program, or the activities of the Authority," and shall be nominated by the Program Committee of the Local Initiative Authority;
One shall be nominated by the San Francisco Pharmacy Leadership Group.

AB 2755 further provides that each member of the Governing Body must be a resident of or employed in the City and County of San Francisco.

The composition of the Governing Body and the nomination process could be changed upon a two-thirds vote of the full membership of the Governing Body, subject to approval by the Board of Supervisors.

A voting member of the Governing Body could be removed from office for reasons stated in AB 2755 (including "failure to perform the duties of the office" or "conviction of any felony or a crime involving corruption,") but only upon the recommendation of the Local Initiative Authority and upon approval by the Board of Supervisors.

9. The Local Initiative Authority would establish (1) a Beneficiary Committee to represent the interests of Medi-Cal beneficiaries; (2) a Program Committee to advise the Authority on matters relating to health care providers; and (3) such other committees as determined advisable by the Authority.

10. AB 2755 is designated as an urgency statute which would take effect immediately upon enactment. This provision will allow the City and County of San Francisco to proceed immediately to establish an independent Local Initiative Authority to assume the financial and operational responsibilities of the Medi-Cal managed care program and other health services.

Comments

1. Under AB 2755, the Local Initiative Authority would be a separate legal entity from the City and County of San Francisco. Ms. Piccione states that the San Francisco Local Initiative Authority would function like a private health plan and would not be subject to the direction or control of City officials, except as specifically provided in AB 2755 (for instance, by terminating the Authority, auditing the Authority, and appointing members to the Governing Body). The creation of the proposed Local Initiative Authority would not, however, supersede the authority of the Health Commission, the Mayor, or the Board of Supervisors to review and authorize the activities of the Department of Public Health, according to Ms. Piccione, although the continued authority of the Mayor and the Board of Supervisors to oversee the operations of DPH is not specifically stated in the proposed resolution. Ms. Piccione states that DPH could become a sub-contractor to the Local Initiative Authority to provide health care services to Medi-Cal beneficiaries.

2. Ms. Piccione states that, in order to begin to provide health care services to Medi-Cal beneficiaries, the proposed Local Initiative Authority is expected to

Memo to Health, Public Safety and Environment Committee
April 26, 1994 Health, Public Safety and Environment Committee Meeting

incur initial start-up costs of an estimated \$3.1 million over the five year period between March 31, 1995 and March 31, 2000. Ms. Piccione states that approximately \$1.0 million in State and Federal funds is expected to become available to finance the start-up costs of the Local Initiative Authority under SB 456, which authorized a total of \$10 million in State funds for local initiative start up costs in the 13 counties which are included in the State's managed care expansion.

If \$1.0 million in State and Federal funds are made available for start up costs, the Authority would require an additional \$2.1 million over five years to finance the balance of the total estimated start up costs of \$3.1 million. Ms. Piccione states that the Local Initiative Steering Committee is currently evaluating potential funding sources for the \$2.1 million which is still needed, and is working with the Mayor's Office and the Department of Public Health to evaluate the availability of City funds for a portion of these costs. A proposal which is currently being evaluated would provide for the City to contribute 66 percent of the remaining \$2.1 million which is needed, or approximately \$1.4 million, over five years between March 31, 1995 and March 31, 2000, with the balance of \$700,000 to be provided by the private agencies which would be represented on the Authority's Governing Body.

However, an agreement to provide funding for the Authority's start up costs is not included in the proposed resolution, and approval of the proposed resolution (supporting AB 2755 and approving the proposed governance structure for the Local Initiative Authority) would not, in itself, obligate the City to provide funds or other types of support for the operations of the Local Initiative Authority, according to Ms. Piccione.

3. The proposed resolution provides for approval by the Board of Supervisors of the governance structure "as presented in the attached document, 'Proposed State Law to Authorize the San Francisco Local Initiative Authority,'" which is attached to the proposed resolution on file with the Clerk of the Board. The proposed resolution should be amended to reflect that the "proposed State law" which is attached to the proposed resolution is Assembly Bill 2755, in pertinent part.

4. The title of the proposed resolution is incomplete and should be amended to reflect that the proposed resolution, in addition to approving the local initiative's governance structure, would also (1) express the support of the Board of Supervisors for AB 2755 and (2) direct the City's representative in Sacramento to take any necessary action to effect the proposed resolution.

5. The proposed resolution which is on file with the Clerk of the Board has not been approved as to form by the City Attorney's Office.

6. The Local Initiative Steering Committee has requested an opportunity to review any amendments to the proposed resolution or to the proposed Assembly Bill 2755 which are made or requested by the Board of Supervisors, before the proposed resolution is adopted by the Board of Supervisors.

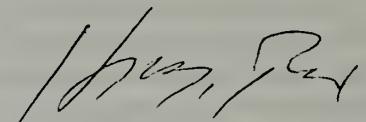
BOARD OF SUPERVISORS
BUDGET ANALYST

Recommendations

1. Request the Local Initiative Steering Committee to request an amendment to AB 2755 to provide that the Controller "may," rather than "shall," conduct an audit of the fiscal condition of the Local Initiative Authority, at such intervals as the Controller determines appropriate.
2. Amend the proposed resolution at page 2, line 3 by inserting, "the Mayor, and the Board of Supervisors," following "Health Commission," to reflect that the proposed governance structure for the local initiative will not supersede existing review and authorization procedures governing the Department of Public Health.
3. Amend the proposed resolution at page 2, line 14 by inserting "(Assembly Bill 2755, in pertinent part)" following "...Local Initiative Authority."
4. Amend the title of the proposed resolution to reflect each of the three "resolved" clauses in the proposed resolution, to read as follows: "Resolution approving the governance structure as presented in the proposed State law to authorize the San Francisco Local Initiative Authority (Assembly Bill 2755); supporting State legislation (AB 2755) authorizing the City and County of San Francisco to create the San Francisco Local Initiative Authority; and directing the City's representative in Sacramento to carry out all necessary actions to effect this resolution."
5. If these recommended amendments are accepted or other amendments are made, continue the proposed resolution, as amended, in order to permit a review of such amendments by the Local Initiative Steering Committee, as requested by the Local Initiative Steering Committee.
6. Approval of the proposed resolution, which would express the Board of Supervisors support for AB 2755, and which would also confer the approval of the Board of Supervisors for the proposed governance structure of the Local Initiative Authority in accordance with AB 2755, is a policy matter for the Board of Supervisors.

BOARD OF SUPERVISORS
BUDGET ANALYST

Memo to Health, Public Safety and Environment Committee
April 26, 1994 Health, Public Safety and Environment Committee Meeting



Harvey M. Rose

cc: Supervisor Shelley
Supervisor Hallinan
Supervisor Leal
President Alioto
Supervisor Bierman
Supervisor Conroy
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Maher
Supervisor Migden
Clerk of the Board
Chief Administrative Officer
Controller
Teresa Serata
Robert Oakes
Ted Lakey

BOARD OF SUPERVISORS
BUDGET ANALYST

**SAN FRANCISCO MEDI-CAL MANAGED CARE
LOCAL INITIATIVE**

STEERING COMMITTEE

MEMBER

ORGANIZATION

Susan Leal Supervisor	Board of Supervisors
Jim Wunderman Chief of Admin.	Mayor's Office
Sandra Hernandez Director of Health Co-Chair	Dept. of Public Health
John Williams CEO	Hospital Council of No. & Cen. Calif. West Bay Hospital Conference San Francisco Section
William Kerr Director	Chancellor or designee, UCSP
Richard Cordova Executive Admin.	San Francisco General Hospital Disproportionate Share Hospital
Jack Pries President & CEO	St. Lukes Hospital Disproportionate Share Hospital
Sophie Wong Executive Director	North East Medical Services Community Clinics
John Gressman Executive Director	SF. Community Clinic Consortium
David Soffa, M.D. Past President Co-Chair	San Francisco Medical Society
Judith Mates, M.D..	San Francisco Medical Society
Stuart Heard, Pharm.D. Assistant Admin. Director of Pharmaceutical Services, SFGH	San Francisco Pharmacy Leadership Group
Jeff Jue Director	Mental Health Dept. of Public Health
Steve Fields Exec. Dir. Progress Foundation	Program Advisory Committee
Kate O'Malley, N.P. Ex. Dir. On-Lok	Program Advisory Committee

MEMBER

ORGANIZATION

Attachment
Page 2 of 2

Josie Mooney
President,
SF Labor Council

Organized Health Care Workers

Tony Leone, R.N.

Beneficiary Advisory Committee

Shana Pitts

Beneficiary Advisory Committee

3
94
~~CALENDAR~~

~~HEALTH, PUBLIC SAFETY & ENVIRONMENT COMMITTEE~~
~~BOARD OF SUPERVISORS~~
~~CITY AND COUNTY OF SAN FRANCISCO~~

DOCUMENTS DEPT.

MAY 6 1994

REGULAR MEETING

SAN FRANCISCO
PUBLIC LIBRARY

TUESDAY, MAY 10, 1994, 10:00 A.M.

CITY HALL, ROOM 235
SAN FRANCISCO, CA 94102

MEMBERS: Supervisors Kevin Shelley, Terence Hallinan, Susan Leal

CLERK: Gregoire Hobson

* * * * *

Disability Access

The Board of Supervisors Committee Meeting Room (228) and the Legislative Chamber of the Board are on the second floor of City Hall.



Both the Committee Room and the Chamber are wheelchair accessible. The closest accessible BART Station is Civic Center, 2 1/2 blocks from City Hall. Accessible MUNI line serving this location is the #42 Downtown Loop as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.



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Assistive listening devices are available for use in the Meeting Room and the Board Chamber. A device can be borrowed prior to or during a meeting. Borrower identification is required and must be held by Room 235 staff.

The following services are available on request 72 hours prior to the meeting or hearing:

For American sign language interpreters or the use of a reader during a meeting, contact Violeta Mosuela at (415) 554-7704.

For a large print copy of an agenda, contact Moe Vazquez at (415) 554-4909.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

1. File 12-94-22. [Local Firearms Control] Resolution urging the California State Legislature and the Governor to abolish existing restrictions on local communities to enact local gun control ordinance (supporting SB 1293). (Supervisors Shelley, Alioto)
(Cont'd from 4/26/94)

ACTION:

2. File 206-94-1. [Geneva Towers, Testing for Lead Poisoning] Resolution supporting the efforts of Geneva Towers residents in determining the level of lead hazards and to obtain safe clean drinking water. (Supervisors Alioto, Kennedy, Shelley)

ACTION:

3. File 97-94-23. [Emergency Services, Combined 911 Communication] DRAFT ordinance amending the San Francisco Administrative Code by amending Section 7.7 to authorize the Director of Emergency Services to act as Manager of the Combined 9-1-1 Emergency Communications Center, in the capacity of Director, Mayor's Office of Emergency Services and Public Safety Communication (911). (Supervisor Shelley)

ACTION:

4. File 30-94-3. Hearing to consider the proposed closure of the Northeast Lodge Residential Psychiatric Treatment Facility. (Supervisors Hallinan, Alioto)

(Cont'd from 3/8/94)

ACTION:

4. File 83-94-1. Hearing to consider the "One-By-One" Homeless Plan. (Supervisor Alioto)

(Cont'd from 3/8/94)

ACTION:

5. File 121-94-4. [Automatic Teller Machine Security Measures] Hearing to consider enacting legislation which would require banks operating automatic teller machines in the City and County to provide improved security at these machines. (Supervisor Alioto)

(Cont'd from 4/12/94)

NOTE: THE CHAIR OF THE COMMITTEE INTENDS TO ENTERTAIN A MOTION TO CONTINUE THIS ITEM TO JUNE 14, 1994, AT THE REQUEST OF THE SPONSOR.

ACTION:

HEALTH, PUBLIC SAFETY AND
ENVIRONMENT COMMITTEE
BOARD OF SUPERVISORS
ROOM 235, CITY HALL
SAN FRANCISCO, CA 94102

IMPORTANT
HEARING NOTICE

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MAY 10 1994

SAN FRANCISCO
PUBLIC LIBRARY

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 MARKET STREET, SUITE 1025

SAN FRANCISCO, CALIFORNIA 94102 • TELEPHONE (415) 554-7642

May 6, 1994

TO: Health, Public Safety and Environment Committee
FROM: Budget Analyst
SUBJECT: May 10, 1994 Health, Public Safety and Environment Committee Meeting

Item 1 - File 12-94-22

Note: This item was continued by the Health, Public Safety and Environment Committee at its meeting of April 26, 1994.

1. The proposed resolution would urge the California State Legislature and the Governor to abolish existing restrictions on local communities to enact local gun control ordinances and would urge the passage of Senate Bill (SB) 1293, which is currently pending in the California Legislature.
2. Existing State law provides that State legislation regarding the registration or licensing of commercially manufactured firearms, as encompassed in the California Penal Code, shall supersede and preempt all such local regulations.
3. In 1978, the Board of Supervisors and the Mayor approved an ordinance which intended to control the possession of handguns. However, in 1982, the California State of Appeals Court overturned San Francisco's ability to restrict the sale and possession of handguns, holding that this right was reserved for the State.
4. On February 25, 1994, the Board of Supervisors unanimously approved a comprehensive crime package which increased the local registration requirements for gun dealers, set new operating requirements for gun dealers and new conditions on the ownership of handguns, urged changes in State law to abolish restrictions on the ability of municipalities to enact handgun control ordinances, and established a zero-tolerance prosecution for those who violate gun laws. According to Mr. Scott Emblidge of the City Attorney's Office, the Board's adoption of the foregoing gun control legislation is consistent with the Board's authority regarding gun control since the legislation primarily relates to

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the regulation of gun dealers rather than of licensing and registration requirements for gun owners. Mr. Embilidge advises that State legislation does not explicitly prohibit municipalities from regulating the registration and operating requirements for gun dealers.

5. SB 1293, which is currently pending in the California Legislature, would repeal the provision that State legislation shall supersede all local legislation regarding the sale, use, transfer and possession of firearms, and would instead provide that State statutes which regulate the sale, transfer, use and possession of firearms shall apply throughout the State, but that any City, County, or City and County may enact more stringent laws than those of the State with regard to the sale, transfer, use and possession of firearms. In addition, SB 1293 would repeal Section 12026 of the California Penal Code, which provides that no person shall be prohibited from possessing a firearm and that any such person is not required to obtain a permit or license in order to purchase, own or carry a firearm.

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Item 3 - File 97-94-23

Note: This item was continued by the Health, Public Safety and Environment Committee at its meeting of April 26, 1994.

Departments: Mayor's Office of Emergency Services (OES)
Police Department
Fire Department
Department of Public Health (DPH)
Department of Parking and Traffic (DPT)

Item: Draft ordinance amending the San Francisco Administrative Code by amending Section 7.7 to authorize the Director of Emergency Services to act as Manager of the Combined 911 Emergency Communications Center, while acting in the capacity of Director of the Mayor's Office of Emergency Services and Public Safety Communications (911).

Description: In 1993, the Board of Supervisors approved Ordinance 419-93, which amended Section 7.7 of the San Francisco Administrative Code, to authorize the Director of the Mayor's Office of Emergency Services (OES) to manage the City and County's new consolidated 911 Communications System Facility (to be completed within the next three years) and to direct all operations related to the taking of calls from members of the public seeking emergency Police, Fire and medical assistance and the dispatch of such services as required. These functions are now performed by multiple City and County Departments, at various locations, with the Police Department managing the 911 emergency call-taking function and the dispatch of emergency Police, Fire, medical and traffic control services being managed by the Departments of Police, Fire, Public Health and Parking and Traffic, respectively.

The original ordinance also authorized the transfer of all programs and staff related to emergency services call-taking and dispatch to OES, with the exception of emergency medical services, such transfer having to first be approved by the San Francisco Health Commission (such approval not having been granted at this time). In addition, the ordinance specified that these duties imposed on the Director of OES, and the transfer of programs and staff to OES, would become effective on the date that the new consolidated 911 Communications System Facility was anticipated to be operational, such date to be certified by the Chief Administrative Officer approximately 180 days prior to the estimated completion date.

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The proposed ordinance would amend the original ordinance, which is now part of Section 7.7 of the City's Administrative Code, in the following ways:

- a. The Director of OES would still operate the 911 Communications System Facility, but such operation would be conducted under joint agreements with and between the Police Department, Fire Department, Department of Parking and Traffic, and the Department of Public Health's Paramedic Division. Each of these agreements would be subject to the approval by the respective Commissions.
- b. All programs and civilian staff related to emergency services call-taking and dispatch would still be transferred to OES, as currently provided in the Administrative Code, but the uniformed forces of the Police and Fire Departments would be detailed to OES, as set forth in the interdepartmental agreements described in (a) above. According to Mr. Carl Hedleston, Coordinator of OES, detailing of uniformed personnel to OES means that these individuals would be assigned by their respective Departments to work at the new consolidated 911 Communications System Facility under the management of the Director of OES but that these individuals would still be employees of their respective Departments.
- c. Regarding the dispatch of emergency services, the Police Department, Fire Department, Department of Parking and Traffic and the Department of Public Health's Paramedic Division would continue to exercise operational control in accordance with the Departments' respective regulations.
- d. An Emergency Communications Policy Board would be created to provide policy oversight on those aspects of the 911 Communications System Facility's joint operations that directly affect the participating Departments' conduct of call-taking and dispatch functions. The Policy Board would not, however, set policy for those matters related to each Department's dispatch functions nor would the Policy Board assume the responsibility for the daily operation of the 911 Communications System Facility. This Policy Board would consist of the Director of OES, who would serve as the Board's Chair; the Chief of Police; the Chief of the Fire Department; the Executive Director of the Department of Parking and Traffic; the Director of the

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Department of Public Health; and the Mayor, who would act as an ex-officio member.

e. As currently provided in the Administrative Code, the Director of OES would still need the approval of the Health Commission before assuming responsibility for the call-taking and dispatch pertaining to emergency medical services, such approval not having been granted at this time.

Comments:

1. An Amendment of the Whole to this proposed draft legislation has been prepared and approved as to form by the City Attorney's Office. The proposed amended ordinance provides for the creation of an Emergency Communications Committee instead of an Emergency Communications Policy Board, as outlined in the proposed draft legislation. This proposed Emergency Communications Committee would provide a forum for discussing and seeking resolution of issues on the aspects of the 911 communication facility's joint operations that directly affect the participating departments' conduct of call-taking or dispatch functions. The Committee shall be composed of the Director of Emergency Services, who would serve as chairperson, the Chief of the Fire Department, the Executive Director of the Department of Parking and Traffic, the Director of the Department of Public Health and the General Manager of the Department of Electricity and Telecommunications. The Mayor would act as an ex-officio member of this Committee. The proposed Emergency Communications Committee would be advisory and would not set policy for those matters related to each department's operational dispatch functions. Policy responsibilities would remain with each participating department. The Committee would also not assume responsibility for matters related to the management of the 911 Communications Center.
2. Additionally, the proposed amended ordinance includes various minor technical and wording changes to provide clarification.

Recommendation: Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

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Memo to Health, Public Safety and Environment Committee
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Item 4 - File 30-94-3

Note: This item was continued by the Health, Public Safety and Environment Committee at its meeting of March 8, 1994.

1. This item is a hearing to consider the proposed closure of the Northeast Lodge residential psychiatric treatment facility.

2. The Northeast Lodge, located on Ninth Street between Howard and Folsom Streets, provides residential treatment to psychiatric patients who are acutely disturbed, but do not need to be hospitalized. It also provides care to psychiatric patients making a transition from the hospital back into the community. Clients spend three to six months living at the facility while undergoing intensive counseling and therapy. The Northeast Lodge provides culturally relevant care to Asian clients. Under a \$1.2 million contract with the Department of Public Health's Mental Health Division, the Pacific Medical Center manages the Northeast Lodge which has 24 beds and serves approximately 149 clients annually.

3. According to Mr. Jeff Jeu, Deputy Director of the Department of Public Health's (DPH) Mental Health and Substance Abuse Services Division, the City has received notice from Pacific Medical Center that the Center will cease to operate the Northeast Lodge once its contract with the City expires on June 30, 1994. According to Mr. Jeu, the building that houses the Northeast Lodge is in poor condition and, as a result, it is no longer suitable to house psychiatric patients. Neither the City nor the Pacific Medical Center owns the building. Mr. Jeu reports that the City and the Pacific Medical Center have not been able to identify an alternative site to house the Northeast Lodge.

4. Mr. Jeu reports that the DPH will rebid the contract to provide comparable residential treatment services to what is currently being provided by the Pacific Medical Center at the Northeast Lodge. Mr. Jeu reports that while the City will most likely not find an alternate site of the same size as the Northeast Lodge, the City will find 25 beds within two or more smaller facilities. Mr. Jeu also advises that the State recently adopted legislation that prohibits psychiatric residential treatment facilities with a bed capacity in excess of 16 to be eligible for Medi-Cal. Thus, under the new State law, the Northeast Lodge is not eligible for Medi-Cal. Mr. Jeu reports that contracting the 24 beds to residential treatment facilities with maximum bed capacities of 16 or less will reduce the City's cost from \$1.2 million to \$800,000, a savings of approximately \$400,000 annually, because those 25 beds would become eligible to receive MediCal funding.

5. Mr. Jeu also reports that the DPH will require the new contractor(s) to provide culturally relevant care to Asian clients.

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Memo to Health, Public Safety and Environment Committee
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Item 5 - File 83-94-1

Note: This item was continued by the Health, Public Safety and Environment Committee at its meeting of March 8, 1994.

1. This item is a hearing to consider the "One by One" homeless plan.

2. On February 14, 1994 the President of the Board of Supervisors released a report entitled "One by One," containing a plan for management of the homeless crisis in San Francisco. The plan addresses the areas of outreach, emergency centers, care and housing providers, legislation and funding. The analysis that follows summarizes plan elements within each area. The Budget Analyst consulted with the author, in preparation of this summary, who advised that detailed legislation is not yet available, which will implement various provisions in this plan.

3. Outreach: The plan calls for establishing 25 to 40 new Outreach Worker positions. The function of the Outreach Workers would be to encourage homeless persons to come to one of the City's Emergency Centers, where further assessment would be done (see Emergency Centers below) and to provide van transport to homeless persons. Outreach Workers would seek out homeless people and they would also be available to respond to calls from business owners to meet with homeless people who were affecting business activities.

According to the sponsor of the proposed plan, the 25 to 40 Outreach Workers would not be Civil Service positions. The sponsor reports that these Outreach Workers would be paid approximately \$25,000 to \$27,000 annually. Based on these estimated costs, the total annual costs for these Outreach Workers would be approximately \$625,000 to \$1,080,000. Since the actual class for these positions has not yet been determined, the precise cost is not available.

The sponsor of the proposed plan reports that the Chief Executive Officers (CEOs) of various downtown firms have offered to provide \$750,000 of funding for these Outreach Workers for the first year of operation.

4. Emergency Centers: The plan states that all intake and assessment for homeless shelters (referred to as "Emergency Centers" in the plan) should take place on the ground floor of the two existing City Multi-Service Centers and eight community health centers. Outreach Workers would direct homeless individuals to representatives from various advocacy groups and service provider organizations, who would have offices in the City's Multi-Service Centers to conduct intake and assessment. The assessment of homeless persons would occur at the Emergency Center, where they would be permitted to stay for up to seven days.

The plan calls for increasing the number of beds by at least 3,000, from 1,395 to 4,395. These Emergency Centers would be encouraged by the City to specialize in a particular segment of the homeless population. Nevertheless, duration of stay would be limited to seven days. The purpose of the Emergency Centers would be to house people until the appropriate service/housing provider, identified in the intake and assessment process, had time to make arrangements to accommodate them.

Memo to Health, Public Safety and Environment Committee
May 10, 1994 Meeting of Health, Public Safety and Environment Committee

According to the plan, once major expansion of permanent housing opportunities had been accomplished (see Housing/Care Providers), such arrangements would typically be made within seven days.

The plan does not state what the 3,000 new beds would cost. However, the author advises that, based on discussions with Federal Housing and Urban Development (HUD) and Health and Human Services (HSS) representatives, the Federal government would match the City's contribution for such homeless services on a dollar-for-dollar basis, after the first six months of operation. In addition, as discussed below under Legislation, a resolution will be introduced to the Board of Supervisors urging the San Francisco religious community to provide an additional 1,000 beds for homeless people.

5. Housing/Care Providers: The plan contains proposals for expanding the supply of permanent housing for the homeless. The first proposal calls on each existing private provider of housing for the homeless to provide an additional 200 beds. The author states that legislation to be proposed would establish uniform reporting requirements for all providers of housing and homeless care, to provide better data on the outcomes of program participants or residents. The author advises that funding for the 200-bed expansion per housing provider would, under the plan, be provided primarily by the City, to be matched by the Federal government, because the uniform reporting requirements are to provide San Francisco with an advantage in applying for Federal funds, according to the plan.

The second proposal for expanding the supply of permanent housing for the homeless involves establishing a new housing development corporation that would lease and develop housing for previously homeless people who have obtained employment or qualified for public assistance. The emphasis of this proposal is on creating "cooperative housing arrangements," under which groups of previously homeless people would rent a house together. Potential tenants would have to agree to adhere to predetermined rules, and disputes would be settled by a committee of the housing development corporation. The plan states that, "The independent, self-help households would enable people of similar circumstances to help support each other both emotionally and financially." The housing development corporation would be charged with providing job development services, and administering a temporary employment service staffed by formerly homeless people.

Under the plan, a resolution would be introduced to the Board of Supervisors to change zoning restrictions, however, the specific details of such legislation have not yet been finalized. In addition, the plan states that legislation will be introduced to establish a Rental Assistance Program, to be funded primarily by grants to be obtained from the Federal government, to provide no-interest, two-year loans to cooperative housing groups to assist them with move-in deposits.

The plan does not indicate how many units would be leased by the housing development corporation, or how many units would be developed by the corporation. The nature and quantity of support services is not detailed, so the Budget Analyst is unable to estimate the costs of this proposal at this time.

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May 10, 1994 Meeting of Health, Public Safety and Environment Committee

6. Legislation: The plan refers to several pieces of legislation that would be proposed as part of the implementation process. As of the writing of this report, the City Attorney has been requested to draft the following resolutions and ordinances related to the plan:

- Ordinance creating uniform reporting requirements for housing and homeless care providers.
- Resolution supporting a California/San Francisco mental health homeless partnership to house 5,000 homeless persons in three years, and urging the religious community to join in a partnership to provide 1,000 beds to homeless people.
- Resolution urging the Mayor to diligently pursue funding provided through the AIDS and Shelter Plus Care Grant program, and establish a Veterans Assessment Unit for engagement and assessment of homeless veterans.
- Ordinance establishing an 800 toll free number with immediate access to emergency shelter beds.
- Ordinance creating a Rental Assistance Program providing access to private sector apartments.
- Resolution investigating the feasibility of a "Security Academy" to provide youth employment opportunities, to aid homeless youth with General Education Degree (GED) courses and training in general clerical work and child care, and urging the banking community to aid shelter residents in money management and assistance for household heads in establishing bank accounts.

Other proposed legislation mentioned in the plan, such as changes to the zoning and rent control regulations, has not yet been referred to the City Attorney's Office for drafting.

7. Funding: The plan includes a list of Federal, State and local programs that might be potential sources of funding for implementation of the plan. Appendix B of the plan is a memorandum from Marilyn Berry Thompson, San Francisco's Federal Lobbyist, listing all Federal programs supporting homeless initiatives funded through the United States Departments of Health and Human Services (HHS) and Housing and Urban Development (HUD). The memorandum describes a recent San Francisco grant award, a pending application, and recently rejected applications for Federal McKinney Act Assistance. The plan does not detail Federal and State funds currently provided to San Francisco for homeless assistance. An assumption of the plan is that San Francisco would be able to access considerably more Federal assistance if proposals were based on the plan.

According to the Author, San Francisco would have to provide approximately \$8 million to initiate the plan and provide some undetermined amount of local matching funds for Federal and State grants. The Author further indicates that the \$8 million in City funds would be required to establish the necessary Emergency Centers and to implement the proposed homeless services. It is expected that the

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funding would come from a reallocation of \$8 million from the \$49.5 million that the City currently spends for both direct and indirect programs and services affecting the homeless (See Budget Analyst "Survey of the City's Current Programs and Services Affecting the Homeless Population, February, 1994).

8. The Author reports that, under the proposed plan, the City would not provide any homeless services directly, except for the two Multi-Service Center facilities. Rather, all homeless services would be contracted through non-profit providers. As of the writing of this report, the plan does not contain sufficient details on such matters as the number of permanent housing units to be developed or leased per year, the nature and amount of social health services to be provided, etc. Therefore, the Budget Analyst cannot estimate the fiscal impact of the plan at this time.

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Item 6 - File 121-94-4

Note: This item was continued by the Health, Public Safety and Environment Committee at its meeting of April 12, 1994.

1. This is a hearing to consider enacting legislation which would require operators of automatic teller machines in the City and County, including banks, savings and loan associations, credit unions, industrial loan companies, savings banks, or other business entities, to provide improved security at these machines.

2. According to the Police Department, in 1993, a total of 185 automatic teller machine (ATM)-related crimes were reported (a) to the Police Department, (b) to the Bank of America, and (c) to the Wells Fargo Bank. The following illustrates a breakdown of reported ATM-related crimes:

Reported crimes to Bank of America for 1993 that were not reported to the Police Department ¹	50
Reported crimes to Wells Fargo for 1993 that were not reported to the Police Department ¹	40
Reported crimes to the Police Department for crimes other than Robberies, such as Vandalism	40
Reported crimes to the Police Department for Strongarm Robbery or Grand Theft	<u>55</u>
 Total	 <u>185</u>

3. In January of 1989, the State of California approved Assembly Bill 244, known as the Calderon Bill, in response to the growing incidence of ATM-related crimes and the need for uniformity in ATM security legislation throughout the State. According to Mr. Curtis Ensley, Vice President and Manager of the Protective Services Division for Bank of America, the Calderon Bill has been used as a model by other States that are implementing uniform, State-wide ATM security legislation. The major provisions of the Calderon Bill are as follows:

- The operator of an ATM must provide lighting during hours of darkness with respect to (a) an open and operating ATM, (b) any parking area, (c) access area, and (d) the exterior of an enclosed ATM according to the following standards:

- (a) There must be a minimum of ten candlefeet power² at the face of the ATM and extending five feet in an unobstructed direction outward.

¹ Officer Rich Alves of the Robbery Abatement Unit of the Police Department reports that many petty thefts committed against users of ATMs are not reported to the Police Department.

² Candlefoot power is defined as the light intensity of candles on a horizontal plane at 36 inches above ground level and five feet in front of the candles.

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(b) There must be a minimum of two candlefeet power within 50 feet from all unobstructed directions from the face of the ATM. In the event that the ATM is located within ten feet of the corner of a building and the ATM is generally accessible from the adjacent side, there must be a minimum of two candlefeet power along the first 40 unobstructed feet of the adjacent side of the building.

(c) There must be a minimum of two candlefeet power in that portion of the parking area within 60 feet of the ATM.

- Customers using ATMs must be furnished by the operator of the ATM with written notices of basic safety precautions that customers should employ while using an ATM.
- The foregoing provisions do not apply if the ATM is:

(a) Located inside of a building, unless it is a freestanding installation which exists for the sole purpose of providing an enclosure for the ATM.

(b) Located inside of a building, except to the extent a transaction can be conducted from outside of the building.

(c) Located in any area, including any access area, building, enclosed space, or parking area which is not controlled by the operator of the ATM.

5. All operators of ATMs in the State of California were required to implement the foregoing security measures by no later than July 1, 1993. Because the Police Department has been tracking ATM-related crimes only since July of last year, the Police Department cannot at this time provide data as to whether the State's adoption of the Calderon Bill has resulted in a reduction in the incidence of ATM-related crimes.

6. Mr. Ensley reports that Bank of America expended over \$5 million in order to comply with the provisions of the Calderon Bill.

7. The Calderon Bill also contains the following provision:

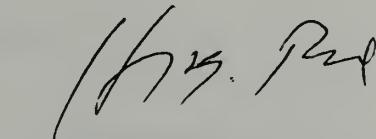
This division [Division 4 of the California Financial Code] supersedes and preempts all rules, regulations, codes, statutes, or ordinances of all cities, counties, cities and counties, municipalities, and local agencies regarding customer safety at ATMs located in California.

According to Mr. Burke Delventhal of the City Attorney's Office, because of this provision, the Board of Supervisors lacks the authority to impose duties on operators of ATMs by requiring them to implement security measures at ATMs. Mr. Delventhal advises that the Board of Supervisors should instead adopt a resolution encouraging the State to approve legislation that would require banks to implement additional security measures at ATMs.

Memo to Health, Public Safety, and Environment Committee
May 10, 1994 Health, Public Safety, and Environment Committee Meeting

8. The Author's Office and the City Attorney's Office are currently drafting legislation to accompany this request that is consistent with the Board of Supervisors' authority regarding ATM security.

9. As reflected on the May 10, 1994 Health, Public Safety and Environment Committee calendar, the Chair intends to entertain a motion to continue this item to June 14, 1994, at the request of the sponsor.



Harvey M. Rose

cc: Supervisor Shelley
Supervisor Hallinan
Supervisor Leal
President Alioto
Supervisor Bierman
Supervisor Conroy
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Maher
Supervisor Migden
Clerk of the Board
Chief Administrative Officer
Controller
Teresa Serata
Robert Oakes
Ted Lakey

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HEALTH, PUBLIC SAFETY & ENVIRONMENT COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

REGULAR MEETING

TUESDAY, MAY 24, 1994, 10:00 A.M.

CITY HALL, ROOM 228
SAN FRANCISCO, CA 94102

MEMBERS: Supervisors Kevin Shelley, Terence Hallinan, Susan Leal

CLERK: Gregoire Hobson

* * * * *

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For a large print copy of an agenda, contact Moe Vazquez at (415) 554-4909.

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1. File 83-94-1. Hearing to consider the "One-By-One" Homeless Plan. (Supervisor Alioto)

(Cont'd from 5/10/94)

ACTION:

2. File 243-94-1. [Haight Ashbury Neighborhood, Public Safety Issues] Hearing to consider the issue of public safety in the Haight Ashbury neighborhood. (Supervisors Alioto, Hallinan, Bierman and Shelley)

ACTION:

3. File 243-94-2. [Haight Ashbury Neighborhood, Public Safety Issues] Resolution urging the Mayor to urge the Police Commission to make enforcement of drug dealing laws a top priority by the Police Department in the Haight-Ashbury District, and urging the District Attorney to make prosecution of individuals arrested for drug dealing a top priority. (Supervisor Alioto)

ACTION:

4. File 195-94-2. [Bed Space – Santa Rita Jail/Alameda County] Resolution making a statement of policy that beginning January of 1995 the City and County of San Francisco will rent bed space at the Santa Rita Jail Facility in Alameda County for housing inmates from San Francisco's San Bruno Jail Facility. (Supervisor Kennedy)

ACTION:

HEALTH, PUBLIC SAFETY AND
ENVIRONMENT COMMITTEE
BOARD OF SUPERVISORS
ROOM 235, CITY HALL
SAN FRANCISCO, CA 94102

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BOARD OF SUPERVISORS

BUDGET ANALYST

1390 MARKET STREET, SUITE 1025

SAN FRANCISCO, CALIFORNIA 94102 • TELEPHONE (415) 554-7642

May 22, 1994

TO: // Health, Public Safety and Environment Committee
FROM: // Budget Analyst
SUBJECT: May 24, 1994 Health, Public Safety and Environment Committee
Meeting

Item 1 - File 83-94-1

Note: This item was continued by the Health, Public Safety and Environment Committee at its meeting of May 10, 1994.

1. This item is a hearing to consider the "One by One" homeless plan.
2. On February 14, 1994 the President of the Board of Supervisors released a report entitled "One by One," containing a plan for management of the homeless crisis in San Francisco. The plan addresses the areas of outreach, emergency centers, care and housing providers, legislation and funding. The analysis that follows summarizes plan elements within each area. The Budget Analyst consulted with the author, in preparation of this summary, who advised that detailed legislation is not yet available, which will implement various provisions in this plan.
3. Outreach: The plan calls for establishing 25 to 40 new Outreach Worker positions. The function of the Outreach Workers would be to encourage homeless persons to come to one of the City's Emergency Centers, where further assessment would be done (see Emergency Centers below) and to provide van transport to homeless persons. Outreach Workers would seek out homeless people and they would also be available to respond to calls from business owners to meet with homeless people who were affecting business activities.

According to the sponsor of the proposed plan, the 25 to 40 Outreach Workers would not be Civil Service positions. The sponsor reports that these Outreach Workers would be paid approximately \$25,000 to \$27,000 annually. Based on these estimated costs, the total annual costs for these Outreach Workers would be

Memo to Health, Public Safety and Environment Committee
May 24, 1994 Meeting of Health, Public Safety and Environment Committee

approximately \$625,000 to \$1,080,000. Since the actual class for these positions has not yet been determined, the precise cost is not available.

The sponsor of the proposed plan reports that the Chief Executive Officers (CEOs) of various downtown firms have offered to provide \$750,000 of funding for these Outreach Workers for the first year of operation.

4. Emergency Centers: The plan states that all intake and assessment for homeless shelters (referred to as "Emergency Centers" in the plan) should take place on the ground floor of the two existing City Multi-Service Centers and eight community health centers. Outreach Workers would direct homeless individuals to representatives from various advocacy groups and service provider organizations, who would have offices in the City's Multi-Service Centers to conduct intake and assessment. The assessment of homeless persons would occur at the Emergency Center, where they would be permitted to stay for up to seven days.

The plan calls for increasing the number of beds by at least 3,000, from 1,395 to 4,395. These Emergency Centers would be encouraged by the City to specialize in a particular segment of the homeless population. Nevertheless, duration of stay would be limited to seven days. The purpose of the Emergency Centers would be to house people until the appropriate service/housing provider, identified in the intake and assessment process, had time to make arrangements to accommodate them. According to the plan, once major expansion of permanent housing opportunities had been accomplished (see Housing/Care Providers), such arrangements would typically be made within seven days.

The plan does not state what the 3,000 new beds would cost. However, the author advises that, based on discussions with Federal Housing and Urban Development (HUD) and Health and Human Services (HSS) representatives, the Federal government would match the City's contribution for such homeless services on a dollar-for-dollar basis, after the first six months of operation. In addition, as discussed below under Legislation, a resolution will be introduced to the Board of Supervisors urging the San Francisco religious community to provide an additional 1,000 beds for homeless people.

5. Housing/Care Providers: The plan contains proposals for expanding the supply of permanent housing for the homeless. The first proposal calls on each existing private provider of housing for the homeless to provide an additional 200 beds. The author states that legislation to be proposed would establish uniform reporting requirements for all providers of housing and homeless care, to provide better data on the outcomes of program participants or residents. The author advises that funding for the 200-bed expansion per housing provider would, under the plan, be provided primarily by the City, to be matched by the Federal government, because the uniform reporting requirements are to provide San Francisco with an advantage in applying for Federal funds, according to the plan.

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The second proposal for expanding the supply of permanent housing for the homeless involves establishing a new housing development corporation that would lease and develop housing for previously homeless people who have obtained employment or qualified for public assistance. The emphasis of this proposal is on creating "cooperative housing arrangements," under which groups of previously homeless people would rent a house together. Potential tenants would have to agree to adhere to predetermined rules, and disputes would be settled by a committee of the housing development corporation. The plan states that, "The independent, self-help households would enable people of similar circumstances to help support each other both emotionally and financially." The housing development corporation would be charged with providing job development services, and administering a temporary employment service staffed by formerly homeless people.

Under the plan, a resolution would be introduced to the Board of Supervisors to change zoning restrictions, however, the specific details of such legislation have not yet been finalized. In addition, the plan states that legislation will be introduced to establish a Rental Assistance Program, to be funded primarily by grants to be obtained from the Federal government, to provide no-interest, two-year loans to cooperative housing groups to assist them with move-in deposits.

The plan does not indicate how many units would be leased by the housing development corporation, or how many units would be developed by the corporation. The nature and quantity of support services is not detailed, so the Budget Analyst is unable to estimate the costs of this proposal at this time.

6. Legislation: The plan refers to several pieces of legislation that would be proposed as part of the implementation process. As of the writing of this report, the City Attorney has been requested to draft the following resolutions and ordinances related to the plan:

- Ordinance creating uniform reporting requirements for housing and homeless care providers.
- Resolution supporting a California/San Francisco mental health homeless partnership to house 5,000 homeless persons in three years, and urging the religious community to join in a partnership to provide 1,000 beds to homeless people.
- Resolution urging the Mayor to diligently pursue funding provided through the AIDS and Shelter Plus Care Grant program, and establish a Veterans Assessment Unit for engagement and assessment of homeless veterans.
- Ordinance establishing an 800 toll free number with immediate access to emergency shelter beds.
- Ordinance creating a Rental Assistance Program providing access to private sector apartments.

Memo to Health, Public Safety and Environment Committee
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- Resolution investigating the feasibility of a "Security Academy" to provide youth employment opportunities, to aid homeless youth with General Education Degree (GED) courses and training in general clerical work and child care, and urging the banking community to aid shelter residents in money management and assistance for household heads in establishing bank accounts.

Other proposed legislation mentioned in the plan, such as changes to the zoning and rent control regulations, has not yet been referred to the City Attorney's Office for drafting.

7. Funding: The plan includes a list of Federal, State and local programs that might be potential sources of funding for implementation of the plan. Appendix B of the plan is a memorandum from Marilyn Berry Thompson, San Francisco's Federal Lobbyist, listing all Federal programs supporting homeless initiatives funded through the United States Departments of Health and Human Services (HHS) and Housing and Urban Development (HUD). The memorandum describes a recent San Francisco grant award, a pending application, and recently rejected applications for Federal McKinney Act Assistance. The plan does not detail Federal and State funds currently provided to San Francisco for homeless assistance. An assumption of the plan is that San Francisco would be able to access considerably more Federal assistance if proposals were based on the plan.

According to the Author, San Francisco would have to provide approximately \$8 million to initiate the plan and provide some undetermined amount of local matching funds for Federal and State grants. The Author further indicates that the \$8 million in City funds would be required to establish the necessary Emergency Centers and to implement the proposed homeless services. It is expected that the funding would come from a reallocation of \$8 million from the \$49.5 million that the City currently spends for both direct and indirect programs and services affecting the homeless (See Budget Analyst "Survey of the City's Current Programs and Services Affecting the Homeless Population, February, 1994).

8. The Author reports that, under the proposed plan, the City would not provide any homeless services directly, except for the two Multi-Service Center facilities. Rather, all homeless services would be contracted through non-profit providers. As of the writing of this report, the plan does not contain sufficient details on such matters as the number of permanent housing units to be developed or leased per year, the nature and amount of social health services to be provided, etc. Therefore, the Budget Analyst cannot estimate the fiscal impact of the plan at this time.

Memo to Health, Public Safety and Environment Committee
May 24, 1994 Health, Public Safety and Environment Committee Meeting

Item 4 - File 195-94-2

Department:	Sheriff's Department Mayor's Office
Item:	Resolution making a statement of policy that beginning in January of 1995, the City and County of San Francisco will rent bed space at the Santa Rita Jail Facility in Alameda County for housing inmates from San Francisco's San Bruno Jail Facility.
Description:	The proposed resolution would state that it is the policy of the City and County of San Francisco that beginning in January of 1995, San Francisco will rent bed space at the Santa Rita facility in Alameda County for inmates who would otherwise be housed in San Francisco's San Bruno facility (Jail #3). The "Seismic Assessment and Upgrade Recommendations for San Francisco County Jail #3" report, prepared by SOH & Associates and K. N. Tuan & Associates and dated June 25, 1993, states that the San Bruno facility represents a seismic risk to its occupants. Mr. Mike Martin of the Mayor's Office reports that the Seismic Assessment report was released by the Chief Administrative Office (CAO) in June, 1993.
	According to the proposed legislation, the City and County of San Francisco has been held in contempt by the United States District Court for overcrowding at the Hall of Justice (Jail #1). A new jail facility located at 850 Bryant Street is currently under construction and will be able to house approximately 440 inmates when it opens in January, 1995.
	According to Sergeant Richard Ridgeway of the Sheriff's Department, the City currently houses approximately 750 inmates at the San Bruno jail facility. Ms. Theresa Lee of the Mayor's Office reports that there is not adequate space in other facilities run by the City, even after the new jail opens, to house the approximate 750 inmates who are currently housed in the San Bruno jail.
Comments:	1. Although not stated in the proposed legislation, both the Mayor's Office and the Sheriff Department agree that the outcome of the proposed legislation would be the closure of the San Bruno jail facility. According to Sergeant Ridgeway, although the Sheriff supports closing the San Bruno jail, he believes that the jail should continue to operate until funding is approved for a new jail. Therefore, according to Sergeant Ridgeway, the Sheriff does not support the proposed

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Memo to Health, Public Safety and Environment Committee
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legislation. Ms. Lee of the Mayor's Office states that the Mayor is in support of this proposed resolution because the Mayor believes the San Bruno facility is unsafe and should be closed.

2. According to Ms. Lee approximately 70 of the 750 average inmate population currently at the San Bruno jail would be housed in the new 850 Bryant Street jail when it opens in January, 1995. According to Ms. Lee, if approved, the proposed resolution would authorize that the remaining approximately 680 inmates from the San Bruno jail be sent to the Santa Rita jail facility in Alameda County and would essentially close the San Bruno facility.

3. Ms. Lee of the Mayor's Office reports that because the proposed resolution would be effective January, 1995, the same time that the new 850 Bryant Street jail is scheduled to open, the sworn Deputies currently employed at the San Bruno jail could be transferred to the new 850 Bryant Street jail with no break in employment. Captain Vicki Hennessey of the Sheriff's Office reports that she agrees that San Bruno employees could be transferred to the new 850 Bryant Street jail facility when it opens in January, 1995. Captain Hennessey reports, however, that some Deputy positions would not be transferred to the new 850 Bryant Street jail. They would instead be transferred to County Jail #7. According to Captain Hennessey, because the San Bruno jail and County Jail #7 are both located at 1 Moreland Drive, they are part of the same jail complex and share many of the same facilities and services. Under the proposed resolution, County Jail #7 would continue to operate. Approximately 12 of the 97 current San Bruno Deputies who perform dual functions for both jails would therefore be transferred to County Jail #7.

Mr. Martin of the Mayor's Office reports that the Mayor's Office is in agreement with the Sheriff's Department that some San Bruno Deputies would need to be transferred to County Jail #7, however, Mr. Martin believes that 12 Deputy positions is excessive, although he does not have another estimate.

4. According to Mr. Martin, a contract with Alameda County to rent bed space at the Santa Rita jail facility would be an 8-year contract beginning at approximately \$66 per inmate per day. Mr. Martin reports that the Alameda County Sheriff initially proposed a three-year, \$71 per inmate per day contract which the Mayor believed to be too short a term and too high a cost. According to Mr. Martin, an 8-year contract

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at approximately \$66 per inmate per day was agreed upon. Sergeant Ridgeway reports that the City currently rents bed space from Alameda County's North County jail facility at a rate of approximately \$68 per inmate per day, or approximately \$2 more than the proposed cost of renting beds at the Santa Rita jail facility. Sergeant Ridgeway states that this \$2 difference is because under the North County jail contract, Alameda County provides inmate transportation services and under the proposed Santa Rita jail contract the City would provide its own inmate transportation services at a \$2 cost savings per inmate per day to the City. The cost of sending 680 prisoners to Santa Rita would be approximately \$16,381,200 (\$66 per inmate per day x 680 inmates x 365 days per year). Sheriff Hennessey reports that since the City has no funded plan for replacing the San Bruno jail and since the San Bruno jail facility will not be able to be reopened, the City will be at the mercy of Alameda County for bed space availability and costs. The Sheriff reports that it has been Alameda County's practice to raise the inmate per day costs by \$5 each fiscal year. Presently, the cost to house prisoners in Alameda County is approximately \$68 per inmate per day. Mr. Martin disagrees with the above assessment of the Sheriff and reports that the Alameda County Sheriff has agreed to use the Consumer Price Index (CPI), or a similar mechanism to lock in a predictable and reasonable annual increase.

The Sheriff also reports that if it rents bed space at Santa Rita, the City would be putting itself at risk because should Alameda County need the beds it is renting to the City at some future time, the San Francisco prisoners will have no housing. Mr. Martin of the Mayor's Office reports that Undersheriff Curtis Watson of Alameda County indicated that the above scenario is unlikely and that sufficient safeguards could be written into the Santa Rita contract to preclude such a problem.

5. According to Sergeant Ridgeway, the new 850 Bryant Street jail has a capacity of housing approximately 440 inmates. Sergeant Ridgeway reports that approximately 270 inmates currently occupying bed space rented from Alameda's North County jail facility (the Santa Rita jail facility is located in the southern portion of the county) will be transferred to 850 Bryant Street when the facility opens in January, 1995. These 270 inmates, in addition to the transfer of approximately 70 inmates from San Bruno (see Comment 2) would result in a total of 340 inmates being transferred to the new facility at 850 Bryant Street in January, 1995. Sergeant Ridgeway reports that the

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remaining 100 spaces (440 capacity less 340) would be filled from County Jails #1 and #2, which he reports are currently overcrowded.

6. Mr. Martin of the Mayor's Office reports that the cost of housing approximately 750 prisoners in the San Bruno jail is currently projected to be approximately \$15,741,859 annually, or \$639,341 less than the cost of \$16,381,200 to house 680 prisoners at the Santa Rita jail facility in Alameda County. The Mayor's Office's estimate is as follows:

Forensics	\$4,617,488
Forensics Admin. @ 15%	692,623
97 Deputy Salaries & Fringes	5,558,200
Deputy Premiums, overtime, etc.	642,000
Transportation	272,300
Civilian Salaries and Fringe	437,100
Other Expenses*	2,646,950
Besk (other than salaries and fringe)**	322,462
Estimate of Administrative Expense	<u>552,736</u>
 Total estimated annual cost for 750 prisoners at San Bruno jail	\$15,741,859
Total annual cost of sending 680 inmates to Santa Rita jail at \$66/inmate/day	<u>16,381,200</u>
Excess of Santa Rita contract costs over San Bruno costs	\$639,341

*Mr. Martin reports that this figure is an estimate and includes professional services, equipment, and training.

**Besk is the name of a former inmate who successfully sued the City over an incident during his stay at the San Bruno jail. As part of the settlement, the City, in addition to directly compensating Mr. Besk, had to agree to increase staff at the San Bruno jail. These costs are associated with this mandate.

Mr. Martin states that even though the contract with Alameda County would be \$639,341 more than the costs to continue to operate the San Bruno jail and even though it would accommodate 70 (750 less 680) fewer inmates, the Mayor is supporting the contract because of the safety issue involved and because to continue to operate the San Bruno jail would involve significant seismic upgrade costs (see Comment 7).

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Sergeant Ridgeway reports that the actual cost of housing the approximately 750 prisoners at the San Bruno jail, based on fiscal year 1993-94 figures, is currently \$14,950,434, or \$791,425 less than the Mayor's Office's projected estimate of \$15,741,859, as follows:

Forensics	\$4,077,782
Forensics Admin.	611,667
97 Deputy Salaries & Fringes	5,558,200
Deputy Premiums, Overtime, etc.	642,000
Transportation	272,300
Civilian Salaries and Fringe	437,100
Other Expenses	2,646,950
Besk (other than salaries and fringe)	151,699
<u>Estimate of Administrative Expense</u>	<u>552,736</u>

Sheriff Department's estimate
total annual cost for 750 prisoners
at San Bruno jail \$14,950,434
Mayor's estimated total annual cost
for 750 prisoners at San Bruno jail 15,741,859

Difference between Mayor's Office
and Sheriff Department estimates \$791,425

Captain Hennessey reports that approximately 23 new Deputy positions would be required for the Santa Rita jail project if San Bruno prisoners are moved to Santa Rita jail as follows:

New Staff Required for Santa Rita Project

Lieutenant	1	\$60,265
Senior Deputy	1	47,685
Deputies	<u>21</u>	<u>783,237</u>
Subtotal	23	\$891,187
24% PERS		213,885
Health @ \$2,040		46,920
Dental @ \$605		13,915
Uniforms for 23 Deputies @ \$1,900*		43,700
Academy for 23 Deputies - SFPD @ \$2,000		<u>46,000</u>
Subtotal		\$364,420
Total Cost for New Staff		\$1,255,607

*Captain Hennessey reports that this figure includes guns and leather wear for each Deputy.

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BUDGET ANALYST

According to Captain Hennessey, the Sheriff's Department needs 23 additional positions to accommodate the transport of inmates between San Francisco and Alameda County and to oversee and coordinate the project. Therefore, according to Captain Hennessey, the annual contract cost for housing approximately 650 inmates at the Santa Rita jail would cost the City approximately \$17,636,807 (\$16,381,200 per-inmate-per-day costs plus \$1,255,607 in additional employees). Mr. Martin of the Mayor's Office disagrees with the Sheriff's Department. According to Mr. Martin, the Mayor's Office does not believe that the Sheriff's Department needs 23 new sworn positions for the Santa Rita project. According to Mr. Martin, the Mayor's Office agrees that some new employees may be required but that 23 is excessive (he did not offer an estimate). Additionally, he advises that sworn Deputy positions are not necessary and that civilian positions could perform the transportation and coordination functions. Sergeant Ridgeway reports that the Sheriff disagrees. Transportation, according to Sergeant Ridgeway is a function which must be performed by deputized staff due to the potential danger involved with transporting prisoners.

7. Ms. Lee of the Mayor's Office reports that if inmates are kept at the San Bruno jail, the cost of seismic upgrades and other required repairs to the jail, according to the latest report (Bond Program Report, DPW, November 21, 1993), would be between \$73 million to \$96 million. When those upgrades would be complete, Ms. Lee advises that the facility would still not meet State Prison Codes.

According to the Sheriff, while the San Bruno facility has serious seismic problems, the building has not been "red tagged" or condemned and the seismic retrofit estimates of \$73 million to \$96 million are less than those at City Hall which are \$181 million. The Sheriff's Department also reports that if the San Bruno jail is shut down, it cannot be reopened unless it meets State Prison Code requirements, which is unlikely given the condition of the jail. Mr. Martin reports that the State Board of Corrections informed the Mayor's Office it would assist the City in finding a solution to reopen the jail if the City chose this option.

8. Ms. Lee reports that there is currently \$9.4 million in 1990 Earthquake Safety Program II bond revenue set aside for seismic upgrade of the jail. If the jail is closed, that money could be diverted to other City-owned buildings that need seismic work.

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9. Ms. Lee advises that the San Bruno facility is a health and safety hazard which, reports show, is located on the San Andreas fault line and could be significantly damaged in a moderate earthquake. The cells are too small, the lighting is inadequate, plastic covers most windows, and toilets are so old they can no longer be properly cleaned. The heating plant has failed, and since 1991, heat and hot water have been provided from a boiler in a trailer outside the facility. According to Ms. Lee, the Santa Rita facility is a new facility, and contains much needed medical and educational facilities. The Santa Rita facility offers inmates rehabilitation programs, similar to the San Bruno jail.

10. The Sheriff reports that to close the San Bruno jail and rent 680 beds at the Santa Rita jail, San Francisco must rely on continued early release of convicted prisoners. The Sheriff states that currently, the City's jail population is kept artificially low by the Federal Court order authorizing release of prisoners serving a one year sentence after serving only 5 months and 20 days. To close the San Bruno jail without a plan to fund a new jail, the City must continue early releases for an unknown period of years. Sergeant Ridgeway advises that it is possible that Judge Orrick of the Federal Court might eliminate the early release program by November, 1994. If this were to occur, Sergeant Ridgeway reports that a minimum of 600 additional beds would be needed in San Francisco and that neither Santa Rita nor San Francisco has the capacity to house 600 additional inmates. Mr. Martin of the Mayor's Office reports that the San Bruno jail is legally allowed to hold 550 inmates daily although it averages 750. Mr. Martin advises that the Mayor's Office believes the City will be sued soon because of the overcrowded conditions of the San Bruno jail, and as a result the Federal Court will impose a cap of 550 inmates. If this were to happen, Mr. Martin reports that San Francisco will have to find additional housing for 200 inmates. Mr. Martin states that this is a more likely scenario than losing the early release program.

11. According to the Sheriff, the City should solidify its plans to replace the San Bruno facility and only then consider closing the existing San Bruno facility. The Sheriff reports that he supports funding a San Bruno replacement facility through issuance of Certificates Of Participation (C.O.P.). A C.O.P would require a majority vote from the public.

Memo to Health, Public Safety and Environment Committee
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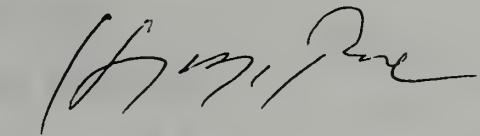
According to Mr. Martin, the Mayor supports a General Obligation Bond to fund a new jail. A General Obligation Bond would require a 2/3 public voter approval. Mr. Nothenberg reports that the approximate total cost of debt service for a General Obligation bond issuance would be \$388 million for the construction of a San Bruno jail replacement in comparison to an estimated cost of \$404 million using C.O.P. financing. Therefore, the CAO's analysis indicates that a General Obligation Bond issuance would be approximately \$16 million less expensive than the use of C.O.P.s over 20 years. As of the writing of this report, Sergeant Ridgeway advises that the Sheriff's Department has drafted proposed legislation for a C.O.P. measure which is pending the Sheriff's approval. Mr. Nelson reports that proposed legislation has been drafted regarding a General Obligation Bond issue and will be sent to the Board of Supervisors in the near future.

12. Ms. Lee advises that Alameda County needs eight months to prepare the Santa Rita Jail space for 680 inmates. Additionally, the City is now eight months from the time its new jail at 850 Bryant Street is scheduled to open, in January, 1995. A contract with Alameda County obligating funds for next year has not yet been agreed upon. Mr. Martin of the Mayor's Office states that currently no monies have been identified in the FY 1994-95 budget for such a contract with the Santa Rita jail facility. Lacking a contractual commitment, Alameda County has asked for a "resolution of intent" from the Board of Supervisors indicating that it intends to approve the funds necessary to transfer prisoners to the Santa Rita jail facility.

13. In a letter dated May 4, 1994, Sheriff Charles C. Plummer of Alameda County reports that June 2, 1994 is the deadline date for a response regarding the proposed contract agreement between the City of San Francisco and the Alameda County Sheriff Department for housing 680 prisoners at the Santa Rita jail facility.

Memo to Health, Public Safety and Environment Committee
May 24, 1994 Health, Public Safety and Environment Committee Meeting

Recommendation: Approval of the proposed resolution is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Shelley
Supervisor Hallinan
Supervisor Leal
President Alioto
Supervisor Bierman
Supervisor Conroy
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Maher
Supervisor Migden
Clerk of the Board
Chief Administrative Officer
Controller
Teresa Serata
Robert Oakes
Ted Lakey

5-47
14/93

CALENDAR

HEALTH, PUBLIC SAFETY & ENVIRONMENT COMMITTEE

BOARD OF SUPERVISORS

CITY AND COUNTY OF SAN FRANCISCO

REGULAR MEETING

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TUESDAY, JUNE 14, 1994, 10:00 A.M.

CITY HALL, ROOM 228
SAN FRANCISCO, CA 94102

MEMBERS: Supervisors Kevin Shelley, Terence Hallinan, Susan Leal

CLERK: Gregoire Hobson

* * * * *

Disability Access

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1. File 111-94-1.1. [Lobos Creek Conservation District] Resolution ordering and directing the Zoning Administrator, the Superintendent of the Bureau of Building Inspection, and other permit issuing agencies to suspend action on any application for permits or other land use entitlements, subject to specified exceptions, for property within the Lobos Creek Conservation District as herein defined. (Supervisor Shelley) (COMPANION TO THE FOLLOWING FILE)

ACTION:

2. File 111-94-1. [Lobos Creek Conservation District Moratorium] Resolution imposing Interim Zoning Controls to temporarily prohibit the approval of permits or other land use entitlements, subject to specified exceptions, for property within the Lobos Creek Conservation District as herein defined, for an eighteen months period. (Supervisor Shelley) COMPANION TO THE PRECEDING FILE)

ACTION:

3. File 30-94-12. [Merger of Divisions, Department of Public Health] Hearing to consider the merger of the Toxic, Health and Safety Services Division of the Department of Public Health into the Bureau of Environmental Health Services Administration and the elimination of the Director of Health and Safety Services position. (Supervisors Shelley, Bierman, Hsieh)

ACTION:

4. File 30-94-11. [Managed Mental Health Care System] Resolution endorsing the development of a Managed Mental Health Care System in San Francisco. (Dept. of Public Health)

ACTION:

5. File 118-94-2. [Smoking Prohibition] Ordinance amending Part II, Chapter V, of the San Francisco Municipal Code (Health Code) by adding Article 19F, encompassing Sections 1009.20 through 1009.27, to supersede and suspend the provisions of Articles 19A, 19B, 19C and 19E and to prohibit smoking in enclosed spaces and certain sports stadiums. (Supervisor Alioto)

ACTION:

6. File 252-94-2. [Environmental Impact of Tuntek Clean-Up] Hearing to consider the proposed clean-up by Tuntek of the former Southern Pacific Rail Yard property and its impact on San Francisco's public health and environment. (Supervisor Hallinan)

ACTION:

7. File 207-94-8. [Condoms As Evidence of Prostitution] Hearing to consider urging the Mayor to urge the Police Commission and District Attorney to no longer confiscate and/or use the fact of condom possession for court evidence in prostitution-related offenses. (Supervisors Hallinan, Alioto)

ACTION:

8. File 195-94-2. [Bed Space – Santa Rita Jail/Alameda County] Resolution making a statement of policy that beginning January of 1995 the City and County of San Francisco will rent bed space at the Santa Rita Jail Facility in Alameda County for housing inmates from San Francisco's San Bruno Jail Facility. (Supervisor Kennedy)

(Cont'd from 5/24/94)

ACTION:

9. File 83-94-1. Hearing to consider the "One-By-One" Homeless Plan. (Supervisor Alioto)

(Cont'd from 5/24/94)

ACTION:

HEALTH, PUBLIC SAFETY AND
ENVIRONMENT COMMITTEE
BOARD OF SUPERVISORS
ROOM 235, CITY HALL
SAN FRANCISCO, CA 94102

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June 10, 1994

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TO: Health, Public Safety and Environment Committee

FROM: Budget Analyst

SUBJECT: June 14, 1994 Health, Public Safety and Environment Committee
MeetingItem 3 - File 30-94-12

Department: Department of Public Health (DPH)

Item: Hearing to consider the merger of DPH's Bureau of Toxic, Health and Safety Services and the Bureau of Environmental Health Services into the Bureau of Environmental Health Protection Services and the elimination of the Director of Toxics and Safety Services position.

Description: DPH's proposed FY 1994-95 budget as submitted by the Mayor's Office includes the consolidation of the Bureau of Environmental Health Services and the Toxics, Health and Safety Services Bureau into a single organization entitled the Bureau of Environmental Health Protection Services. According to DPH's FY 1994-95 budget proposal submitted to the Health Commission, this consolidation was proposed in order to maximize administrative, operational and service efficiencies while improving the delivery of quality services to the customer. DPH's FY 1994-95 budget includes a reduction of \$300,000 as a result of this consolidation. This \$300,000 savings would be achieved as follows:

Memo to Health, Public Safety and Environment Committee
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Proposed Deletions

Bureau of Environmental Health Services

1.0 1844 Senior Management Assistant	(\$48,011)
1.0 6126 Director of Environmental Health	(82,556)
1.0 6120 Environmental Health Inspector	(50,661)
Mandatory Fringe Benefits	(30,676)
Materials and Supplies	(12,852)

Bureau of Toxics, Health and Safety Services Bureau

1.0 6120 Environmental Health Inspector	(53,189)
1.0 Tx* 6120 Environmental Health Inspector to 1818 MIS Specialist II	(7,025)
1.0 6144 Director of Toxics and Safety	(82,556)
Mandatory Fringe Benefits	(22,881)
Materials and Supplies	(13,814)
Contractual Services (Lead Analysis)	(10,000)

Subtotal Deletions (\$414,221)

* Tx means a temporary exchange of positions.

Proposed Additions

1.0 1375 Director of Environmental Health

Management	\$82,896
Mandatory Fringe Benefits	14,486
Reduction of Salary Savings	<u>16,839</u>

Subtotal Additions \$114,221

Net Savings (\$300,000)

As noted in the table above, in DPH's proposed FY 1994-95 budget, both the Director of Environmental Health and the Director of Toxics and Safety positions would be eliminated. These two positions would be consolidated and replaced with one Director of Environmental Health Management. The DPH has selected Mr. Ben Gale, the current Director of Environmental Health to be the Director of Environmental Health Management. According to Dr. Sandra Hernandez, Director of DPH, either Mr. Gale or Mr. Bill Lee, the Director of Toxics and Safety, would be outstanding directors of the consolidated Bureau. However, Dr. Hernandez advises that based on Civil Service rules, Mr. Gale was named Director of the new consolidated Bureau. According to Dr. Hernandez

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DPH is working with Civil Service staff to identify an appropriate job assignment for Mr. Lee.

Comment:

The recommendation for the consolidation of the two Bureaus into the one Bureau of Environmental Health Protection Services was the result of a work group, consisting of DPH employees, on organizational consolidation and integration which reviewed the Bureau of Environmental Health Services and the Bureau of Toxics, Health and Safety Services. According to Dr. Hernandez, this group will continue to work with Mr. Gale and all applicable employees in order to resolve any issues involved with implementing the consolidation.

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Item 4 - File 30-94-11

Department: Department of Public Health (DPH),
Division of Mental Health and Substance Abuse Services

Item: Resolution endorsing the Development of a MediCal
Managed Care Mental Health Services System in San
Francisco.

Description: The City provides inpatient and outpatient mental health services to MediCal recipients. The City receives State Realignment dollars (sales tax and vehicle licensing fees collected by the State and allocated to counties) for a 50 percent MediCal match in order to receive the Federal 50 percent MediCal revenues which fund these mental health services. In FY 1994-95, DPH budgeted approximately \$45 million in State Realignment revenues. The public mental health MediCal program is known as Short-Doyle/MediCal. Private mental health hospitals and practitioners provide services to MediCal recipients and then bill the State directly. The State's General Fund provides the 50 percent match in order to obtain the 50 percent Federal MediCal to the private providers. The private mental health MediCal program is known as Fee-For-Service.

Currently, the State Department of Health Services regulates the private Fee-For-Service providers and the State Department of Mental Health regulates the public programs. The State would like to consolidate the two systems in order to reduce cost shifting and administrative and clinical overlap. Such consolidation would assist in facilitating better service coordination. According to DPH, 13 percent or 700 of the approximate 5,285 MediCal clients who appear in both systems absorb 36 percent of the total MediCal funding for the City. Because the two systems are not coordinated, it would be very difficult to track this overlap group. The State Department of Health Services believes the State would save money if the two systems were consolidated.

In addition, inpatient psychiatric care costs as a percentage of total MediCal expenditures have been much higher in the Fee-For-Service sector than in the County Short-Doyle program. In San Francisco approximately 61 percent of the funding in the Fee-For-Service sector was used to support inpatient psychiatric care costs, whereas approximately 25 percent of the funding in the Short-Doyle/MediCal system is used to support inpatient psychiatric care costs.

To reduce the State's mental health care costs, the State of California Department of Health Services has developed a MediCal Managed Care Mental Health Services System that, if the Board of Supervisors approves the proposed resolution, would require the City to assume responsibility for ensuring the delivery of mental health services to all San Francisco MediCal recipients, including those recipients receiving services from private providers. Under this plan, the Fee-For-Service MediCal system will be consolidated with the City-run Short-Doyle/MediCal system over the next several years.

Under the MediCal Managed Care Mental Health Services System, beginning in October of 1994, the City would take over administration of all MediCal inpatient dollars and become the gatekeeper for all MediCal inpatient psychiatric care. Hospitals would request authorization from the City to admit patients and would receive payment from the City. The City would monitor clients' length of stay and place clients in alternative levels of care when appropriate. The State would transfer to the City the portion of State General Fund monies that have been used to fund the Fee-For-Service MediCal program, or approximately \$5.7 million annually. Outpatient mental health services would be consolidated in July of 1995.

Comments:

1. The State requires the Board of Supervisors to submit a letter of intent by July 1, 1994, if the Board of Supervisors elects to participate in the State's MediCal Managed Care Mental Health Services System, specifying 1) whether the City intends to manage consolidated inpatient psychiatric care funds, and 2) whether the City intends to establish any limitations on risk. According to Ms. Louise Rogers of the DPH's Mental Health Division, the City may place limitations on the amount of the City's risk (see Comment 2).
2. The State plans to contract with the City for managed care on a capitated basis, at a set dollar amount per client per month. Under capitation, the City would receive a set payment for each enrollee, regardless of the amount of services that may be provided. Since services may cost more than the capitation rate, the City would be accepting a certain amount of risk. The City may be able to limit its risk by accepting a lower capitated rate with the State in exchange for the State funding the costs of expensive care. According to Ms. Rogers, the State has not decided what the lower risk trade-offs will be. Therefore, the proposed resolution states that the City cannot determine whether or not a risk-limiting arrangement would be in the City's best interests. Ms. Rogers advises that the State will most likely

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provide counties with possible risk-limiting arrangements within the next year.

If services cost less than the capitation rate, the City could use the savings to develop new services, expand access to services, offset future risk, and meet infrastructure needs. Capitation will be a strong incentive to provide the most cost-effective mental health services available. The State intends to begin providing capitation rates for inpatient psychiatric services on July 1, 1996 and for other mental health services on July 1, 1997.

3. On March 15, 1994, the Health Commission adopted Resolution 15-94 Endorsing the Development of a MediCal Managed Care Mental Health Services System in San Francisco.
4. If the Board of Supervisors does not approve the proposed resolution endorsing the development of a MediCal Managed Care Mental Health Services System in San Francisco, the State would select one or more alternative plans. However, Ms. Rogers reports that the State has not specifically stated what those alternative plans would be. According to Ms. Rogers, the State could choose to contract with a Health Maintenance Organization (HMO) to provide mental health services in the City instead of the DPH.

Recommendation: Approval of the proposed resolution is a policy matter for the Board of Supervisors.

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Item 5 - File 118-94-2

Item: Ordinance amending the Health Code by adding Article 19F, encompassing Sections 1009.20 through 1009.27, to supersede and suspend the provisions of Articles 19A, 19B, 19C and 19E and to prohibit smoking in enclosed spaces and certain sports stadiums.

Description: The Board of Supervisors previously approved ordinances to regulate smoking in various locations in San Francisco, including City buildings, business establishments, places of employment, certain sports arenas, restaurants, etc. These ordinances also provided for certain exemptions from the smoking prohibitions. For example, under the current regulations, smoking is permitted in bars, in designated guest rooms at hotels and motels, and at facilities used for charity bingo games. The most recent of these ordinances was approved in November, 1993 and took effect on February 1, 1994.

According to Ms. Paula Jesson of the City Attorney's Office, currently, these ordinances pertaining to smoking regulations are contained in four articles of the Health Code (Articles 19A, 19B, 19C, and 19E). This proposed ordinance would replace the existing four articles, consolidating them into a single article. The proposed ordinance includes certain wording changes from the existing articles for the purpose of consistency in language. However, Ms. Jesson advises, the proposed ordinance would retain the same public health protections afforded by the existing four articles. In other words, this proposed ordinance is intended to result in no changes in existing smoking regulations.

Comments:

1. According to Ms. Jesson, replacing the existing articles of the Health Code with the proposed ordinance should make smoking regulations easier to understand and to facilitate the enforcement of smoking regulations.
2. Ms. Jesson stresses that the proposed ordinance includes the same exemptions for restaurants, bars, hotel lobbies, hotel guest rooms, tobacco stores, and charity bingo games, as were previously approved by the Board of Supervisors after extensive public input in November, 1993.
3. Mr. Jack Breslin of the Department of Public Health advises that the Department of Public Health supports the proposed ordinance. Mr. Breslin reports that the proposed ordinance would have no further impact on the operations of the Department.

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Recommendation: Approve the proposed ordinance.

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Item 6 - File 252-94-2

Departments:	Department of Public Works Department of City Planning Department of Public Health
Item:	Hearing to consider the proposed clean-up by Tuntex of the former Southern Pacific Railyard property and its impact on San Francisco's public health and environment.
Description:	<p>In 1989, Tuntex Properties Inc. purchased the Brisbane Railyard from the Southern Pacific Transportation Company and claimed they would be responsible for the clean-up of the site. The Brisbane Railyard, located mostly in the City of Brisbane at the approximate corner of Bayshore Boulevard and Sunnydale Avenue, is a State superfund site which is contaminated by a variety of toxic chemicals. The current area of question is the northern part of the property where primarily the trichloroethene (TCE) solvent has contaminated the groundwater. In addition to this superfund site there are eleven toxic sites in the nearby area, including a closed, but not capped landfill, also owned by Tuntex.</p> <p>According to Ms. Bonnie Bamberg of Tuntex, in order to clean up the Brisbane Railyard, Tuntex would like to "pump and treat" the groundwater. This system would continuously pump water from the ground and then extract metals, organic compounds, greases, and oils. The treated water would meet drinking water standards. Next, Tuntex would discharge the treated water into the San Francisco sewerage system where it would be treated again by the San Francisco Southeastern Water Pollution Control Plant and then discharged in the San Francisco Bay. According to Mr. Tommy Lee of the Department of Public Works, this is the common practice of all treated water that enters the San Francisco sewerage system. Although most of the Brisbane Railyard site is in the City of Brisbane, 80 percent of the well water comes from San Francisco. Since Brisbane has an agreement with the City of San Francisco for San Francisco to treat and dispose of all of Brisbane's wastewater, Tuntex is requesting a permit from the Department of Public Works (DPW) to have Tuntex's water treated and deposited into the San Francisco sewerage system. The DPW's Clean Water Program is holding hearings on June 17, 1994 to decide if it is appropriate to accept this discharge into the City's sewerage.</p> <p>There have been some issues raised, primarily by Clean Water Action, a non-profit organization, about the proposed method of clean-up and the ensuing use of the property.</p>

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Comment:

1. Mr. Bruce Livingston of Clean Water Action states that an Environmental Impact Report (EIR) should have been done for the entire area. He claims that there is no map of the toxins and thus, the source and extent can not be determined. He believes that the "pump and treat" method to clean up the site is not very efficient because the mechanism must work forever, without knowing the source of the toxins. According to Mr. Livingston, this could present three problems.

- First, there is the issue of responsibility. Because the site is so close to other sites and the source of the toxins is unknown, the toxins may travel underground and eventually combine with the landfill toxins or enter the Bay. At a later date, it may be difficult to determine who is really responsible for the clean-up.
- Secondly, the San Francisco sewerage system may not be able to handle the Tuntex treated water when the system is bloated. This can happen when it rains because of the excess water entering the system.
- Finally, there are some related growth management issues. Tuntex wants to donate part of the property to the University of California, San Francisco (UCSF). Eventually, UCSF and ultimately the taxpayers may be responsible for clean-up on the site. Furthermore, the size of the UCSF facility may also be too large for the San Francisco sewerage system to handle.

Mr. Livingston strongly suggests that an EIR be completed by the City or the State on the site. He believes that if Tuntex wants the permit, they should have to pay for an EIR. He also believes that Tuntex should at least put some of the water back into creating a wetlands on the site. Therefore, the quality of the environment would be improved and the San Francisco sewerage system would be able to handle the added discharge.

2. According to Mr. Tommy Lee of the DPW, the issue for the City is only whether or not to let Tuntex use its sewerage system. He believes that if Tuntex meets the City's discharge requirements under the Industrial Waste Ordinance, then Tuntex should be allowed to deposit its treated water in the City's system. He states that the City would be paid \$3.50 - \$4.00 per unit of water by Tuntex. Each unit is 748 gallons. Tuntex estimates that they will deposit 33,000 gallons per day at the maximum.

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3. In response to Mr. Livingston's concerns, Mr. Lee states that the Regional Water Quality Control Board (RWQCB) required Tuntek to clean-up the site to prevent the Brisbane Railyard's toxins from mixing with the landfill. According to Mr. Lee, the "pump and treat" method will do this.

- Secondly, Mr. Lee states that Tuntek must install a switch to turn off the flow of their treated water into the San Francisco sewerage system when there is an overflow during a storm. The pump would only be turned off temporarily and Tuntek would have to store their treated water. The San Francisco sewerage system will only accept water during normal capacity, which is 80 million gallons per day.
- Finally, Mr. Lee believes that growth management is a separate issue and the City cannot control development in Brisbane. Even if UCSF locates facilities there, the issue can be dealt with at that time. For example, the Department of City Planning (DCP) could then require that UCSF build its own sewerage system.

Mr. Lee recommends that Tuntek be allowed to deposit their wastewater in the City's sewerage system, if the wastewater meets the permit standards. The DPW does not have the authority to issue an EIR in this case.

4. Mr. Steve Todd of the DPW adds that the DPW will frequently monitor the wastewater that Tuntek discharges into the San Francisco sewerage system. If they find Tuntek in continuous violation, they will have Tuntek shut off their wells until the problem can be resolved. Furthermore, he states that any additional revenue received by the City from Tuntek for treating Tuntek's water would be used to offset the cost of treating such water.

5. According to Ms. Elaine Warren of the City Attorney's Office, DPW will only grant Tuntek a discharge permit if Tuntek can establish that their water can meet the discharge limit of organic waste. This means that Tuntek has to treat the pumped water to a certain level before it can enter into the City's treatment plant. The DPW has broad inspection authority to monitor Tuntek's water to ensure that Tuntek complies with the terms of the permit. If Tuntek is not meeting the discharge limit, the DPW will not authorize Tuntek to discharge anymore water until it is treated properly.

6. According to Ms. Diane Mims of the State Regional Water Quality Control Board (RWQCB), the RWQCB issued a Clean-up and Abatement Order (No. 93-034) to Tuntex to keep the contaminated groundwater from horizontally migrating to the landfill and vertically migrating to deeper aquifers. She states that under Section 15321 Title 14 of the California Administrative Code, enforcement action by a regulatory agency exempts the site from California Environmental Quality Act (CEQA) requirements. Thus, because of the Clean-up and Abatement Order Tuntex developed a Remedial Action Plan, which is a plan that shows how they will clean-up the site. The plan calls for Tuntex to first seek ways for the treated water to be reused. Whatever cannot be reused, Tuntex proposes to discharge into the San Francisco sewerage system, if the DPW issues Tuntex a permit. If Tuntex cannot get a permit from the DPW, the RWQCB will issue Tuntex a National Pollution Discharge Elimination Permit (NPDES) to discharge the treated water through a storm drain into a surface release area, in this case, the San Francisco Bay.

7. Ms. Beth Bufton of the State Department of Toxic Substance Control (DTSC) has been monitoring the wells in the Brisbane Railyard site since 1982. Ms. Bufton states that the contaminated groundwater was relatively static due to the drought. However, in January, 1993 the water levels in the wells increased three to four feet and the plume of contaminated groundwater began to migrate to the nearby landfill. This is when the RWQCB issued a Clean-up and Abatement Act to Tuntex. Ms. Bufton believes that if the contamination mixes with the garbage in the landfill, there will be no way of tracking the path of the toxic substances. She further asserts that the landfill is less than 1,000 feet from the Bay, and there is a good chance that the contamination will enter the Bay, if it reaches the landfill. Ms. Bufton believes that a pump and treat system must be installed immediately so that the plume of contaminated groundwater can remain contained. Another rainy winter would allow the groundwater to migrate even further and more quickly.

Furthermore, Ms. Bufton states that the State DTSC, as the lead agency for the remediation of the site, must determine if Tuntex's Remedial Action Plan will have a significant impact on the environment. If it is determined that a project has a significant effect on the environment, then the DTSC will issue an Environmental Impact Report. However, in the case of the Tuntex clean-up, it was determined that Tuntex's proposed plan would not have an significant effect on the

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environment, and thus a negative declaration was ordered instead of an EIR, according to the provisions of CEQA.

8. According to Ms. Barbara Sahm of the DCP, CEQA requires that only one environmental review be conducted on a particular project. Since DTSC, as the lead agency, has already written a negative declaration for the Tuntek site, DCP has no authority to do any further review, unless it can be proven that there have been significant changes to the site since the negative declaration. DCP can only offer advice as to how to use the negative declaration properly.

9. Mr. Bill Lee of the Department of Public Health, Toxic Substances Control Division states that DPH has no role in the decision to permit Tuntek to discharge it's wastewater into the San Francisco sewerage system. He reports that DPH has jurisdiction to oversee the clean-up of hazardous wastes in soil, but only if the site in question is located in San Francisco. DPH also has the authority to issue well permits before a well can be constructed in the City. Mr. Lee reports that the Environmental Health Division of DPH issued a well permit to Tuntek, yet DPH has not received any data from Tuntek in regards to what Tuntek found in the well. Mr. Lee also reports that DPH has not received any information in regards to homes, businesses, or recreation sites located near the contaminated property. Thus, Mr. Lee cannot state if there is a public health risk to any San Francisco residents residing or doing business near the Tuntek site. According to Mr. Lee, the DPW monitors the wastewater discharged into the San Francisco sewerage system and Mr. Lee states that there should be no public health concerns because although no one should drink the water, the water is required to meet drinking water standards.

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Item 7 - File 207-94-8

Departments: District Attorney
Police Commission

Item: Hearing to consider urging the Mayor to urge the Police Commission and the District Attorney to no longer confiscate and/or use the fact of condom possession for court evidence in prostitution-related offenses.

Description: When Police Officers make arrests for prostitution or for solicitation of prostitution, they indicate in their Police Department reports if the arrested person is carrying a condom. The condom is used as supporting evidence in court, along with dress, location, and other possessions that the person is carrying at the time of the arrest.

Comments:

1. Ms. Teri Jackson of the District Attorney's Office reports that State law requires that Police Officers record information about condom possession in their report. State Proposition 8, which is now Article 28D in the California State Constitution, states that all relevant evidence must be introduced in court. The United States Supreme Court decision of *Brady V. Maryland* states that all material evidence must be supplied to the defense. Therefore, according to Ms. Jackson, the District Attorney and the Police Department do not have the discretion to intentionally omit evidence which was either seized or observed in the course of an investigation. Ms. Jackson states that just being in possession of a condom is not enough to sustain a conviction. However, the manner in which condoms are used, along with other relevant facts pertaining to individual cases, will assist the District Attorney in the prosecution of prostitution cases. Ms. Jackson further stresses that San Francisco is the only County she is aware of in California that returns the confiscated condoms to those who are arrested when they are released from custody. Ms. Jackson also states that the District Attorney's Office does not maintain records regarding how many people are arrested for prostitution who are carrying condoms or how many people are convicted of prostitution charges that were carrying condoms at the time of arrest. According to Ms. Jackson, the only way to have Police Officers not include information such as condom possession in a Police report for a prostitution-related arrest is to change the State law.
2. According to Ms. Linda Klee of the District Attorney's Office, it is very difficult to convict a defendant on

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prostitution charges in San Francisco. Ms. Klee reports that every piece of evidence is necessary, including possession of a condom to attempt to convict persons of prostitution charges.

3. Lieutenant Joe Dutto of the Police Department states that there were 2,297 solicitation arrests during the one-year period between January 1, 1993 and December 31, 1993 and 1,191 solicitation arrests during the approximately five-month period between January 1, 1994 and May 25, 1994. Lieutenant Dutto states that it is very rare that people arrested for prostitution are not carrying condoms.

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Item 8 - File 195-94-2

Note: This item was continued by the Health, Public Safety and Environment Committee at its meeting of May 24, 1994.

Department: Sheriff's Department
Mayor's Office

Item: Resolution making a statement of policy that beginning in January of 1995, the City and County of San Francisco will rent bed space at the Santa Rita Jail Facility in Alameda County for housing inmates from San Francisco's San Bruno Jail Facility.

Description: The proposed resolution would state that it is the policy of the City and County of San Francisco that beginning in January of 1995, San Francisco will rent bed space at the Santa Rita facility in Alameda County for 680 inmates who would otherwise be housed in San Francisco's San Bruno facility (Jail #3).

The "Seismic Assessment and Upgrade Recommendations for San Francisco County Jail #3" report, prepared by SOH & Associates and K. N. Tuan & Associates and dated June 25, 1993, states that the San Bruno facility represents a seismic risk to its occupants. Mr. Mike Martin of the Mayor's Office reports that the Seismic Assessment report was released by the Chief Administrative Office (CAO) in June, 1993.

According to Sergeant Richard Ridgeway of the Sheriff's Department, the City currently houses approximately 750 inmates at the San Bruno jail facility. Ms. Theresa Lee of the Mayor's Office reports that there is not adequate space in other facilities run by the City, even after the new jail opens, to house the approximately 750 inmates who are currently housed in the San Bruno jail.

According to the proposed legislation, the City and County of San Francisco has been held in contempt by the United States District Court for overcrowding at the Hall of Justice (Jail #1). A new jail facility located at 850 Bryant Street (the Sheriff's New Facility) is currently under construction and will be able to house approximately 440 inmates when it opens in January, 1995. Approximately 70 of the 750 average inmate population currently at the San Bruno jail would be housed in the Sheriff's New Facility. (The rest of the capacity at the Sheriff's New Facility will be absorbed by transfer of 270 inmates currently occupying bed space rented from Alameda's North County Jail facility, and transferring a total

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of 100 inmates from other facilities.) The remaining 680 average daily inmates at the San Bruno Jail (750 less 70 to be transferred to the Sheriff's New Facility) would be housed at the Santa Rita Jail Facility in Alameda County according to the proposed resolution.

Comments:

1. Although not stated in the proposed legislation, both the Mayor's Office and the Sheriff's Department agree that the outcome of the proposed legislation would be the closure of the San Bruno jail facility, except for certain physical plant functions that would have to remain open to serve the adjacent County Jail No. 7. According to Sergeant Ridgeway, although the Sheriff supports closing the San Bruno jail, he believes that the jail should continue to operate until funding is approved for a replacement jail. Therefore, according to Sergeant Ridgeway, at this time the Sheriff does not support the proposed legislation. Ms. Lee of the Mayor's Office states that the Mayor is in support of this proposed resolution because the Mayor believes the San Bruno facility is unsafe and should be closed.

2. According to Mr. Martin, a contract with Alameda County to rent bed space at the Santa Rita jail facility would be an 8-year contract beginning at \$66.11 per inmate per day. Mr. Martin reports that the Alameda County Sheriff has agreed to use the Consumer Price Index (CPI), or a similar mechanism to lock in a predictable and reasonable annual increase.

The Sheriff's Department cautions that if the City rents bed space at Santa Rita, the City may be putting itself at risk because if Alameda County needs the beds it is renting to the City at some future time, the San Francisco prisoners will have no housing. Mr. Martin of the Mayor's Office reports that Undersheriff Curtis Watson of Alameda County indicated that the above scenario is unlikely and that sufficient safeguards could be written into the Santa Rita contract to preclude such a problem.

3. A contract with Alameda County obligating funds for next year has not yet been agreed upon. Mr. Martin of the Mayor's Office confirms that currently no monies have been identified in the FY 1994-95 budget for such a contract with the Santa Rita jail facility. Lacking a contractual commitment, Alameda County has asked for a "resolution of intent" from the Board of Supervisors indicating that it intends to approve the funds necessary to transfer prisoners to the Santa Rita jail facility. The proposed resolution would function as a resolution of intent.

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4. Captain Vicki Hennessy of the Sheriff's Department advises that the estimated annual cost of contracting with Alameda County for housing 680 inmates, including the related costs of staffing a unit of the first floor of the Sheriff's New Facility at 850 Bryant Street to provide on-going coordination and implementation of the transfer of inmates back and forth, and staff currently budgeted under the San Bruno jail who will have to be retained because their functions also serve the adjacent County Jail No. 7, net of savings in Department of Public Health forensics costs, total \$18,093,570. This estimated cost is based on the following projected requirements:

Alameda County (Santa Rita Jail) Transfer
Projected Annual Operating Costs

680 Prisoners @ \$66.11/inmate/day	
x 365 days	\$16,408,502
Civilian Salaries to County Jail #7	275,172
Sworn Salaries to County Jail #7	641,820
Premiums	72,000
Existing Sworn Salaries to Conduct Transfers	802,275
New Sworn Salaries to Conduct Transfers (23)	936,853
Mattresses (680 @ \$39/mattress)	26,520
Clothing	39,970
Transportation Equipment	312,270
Computer Link-up	<u>6,000</u>
 Total Projected Annual Sheriff Dept. Costs of Alameda County Transfer of 680 Prisoners	\$19,521,382
 LESS Reduction to Forensics Budget as a result of Santa Rita Transfer	<u>1,427,284</u>
 Total Projected Annual General Fund Costs of Alameda County Transfer of 680 Prisoners (per Sheriff's Department)	\$18,093,570

Mr. Martin states that, while the Mayor's Office believes that the Sheriff's cost estimate shown above is somewhat high, he believes that it provides a reasonable basis for decision making. The Budget Analyst concurs with the Mayor's Office, and will conduct a more detailed assessment of these costs if a supplemental appropriation request is submitted for these items.

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5. The Sheriff's Department advises that the annual operating cost (excluding Department of Public Health forensics costs, for which a net savings was projected in Comment No. 4) of continuing to care for 750 prisoners at the San Bruno jail facility, rather than closing the jail and transferring most of the prisoners to the Santa Rita Jail in Alameda County, would total \$10,349,286, as shown in the following breakdown:

San Bruno Facility (County Jail No. 3) Projected Annual Operating Costs <u>for Continued Care of 750 Prisoners</u>	
Deputy Salaries & Fringe	5,558,200
Deputy Premiums, Overtime, etc.	642,000
Transportation	272,300
Civilian Salaries and Fringe	437,100
Other Expenses*	2,886,950
Estimate of Administrative Expense	<u>552,736</u>
 Total estimated annual operating cost for 750 prisoners at San Bruno Facility	 \$10,349,286

*This figure is an estimate and includes professional services, equipment and training.

The Budget Analyst has compared the above estimate to budget data assembled for the Sheriff's Department Zero Base Budget, and concludes that this is a reasonable estimate of the annual operating costs that would be incurred by the Sheriff's Department if the San Bruno Jail remains open.

The operating cost estimates shown above indicate that the \$10,349,286 annual cost of housing approximately 750 prisoners in the San Bruno Jail is currently projected to be approximately \$7,744,284 less than the \$18,093,570 annual cost of housing 680 prisoners at the Santa Rita jail facility in Alameda County. Mr. Martin of the Mayor's Office states that he believes the actual cost difference would be lower, but as stated in Comment No. 4 he believes that the foregoing analysis provides a reasonable basis for decision-making. The Budget Analyst concurs with the Mayor's Office, and will conduct a more detailed assessment of the Santa Rita transfer costs if a supplemental appropriation request is submitted for these items.

6. Although the projected operating costs of closing the San Bruno Jail and renting bed space at the Santa Rita Jail

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facility in Alameda County are higher than the costs of continuing to house all 750 prisoners at the San Bruno Jail, Mr. Martin of the Mayor's Office believes that two other factors outweigh the difference in operating costs between the two alternatives. These two factors are the need for seismic upgrades and other repairs to the San Bruno Jail, and possible limits on Jail operation that may result from pending federal litigation.

• Seismic Upgrades/Other Repairs to San Bruno Jail:

The Department of Public Works (DPW) conducted a Condition Assessment and Seismic Evaluation of the San Bruno Jail (County Jail No. 3) in 1987, which has been followed by a series of consultants' studies and evaluations of the existing jail facility. According to DPW, the total cost to perform basic maintenance and repairs and to upgrade the building to meet seismic standards would be \$73 million to \$96 million. Ms. Lee reports that there is currently \$9.4 million in 1990 Earthquake Safety Program II bond revenue set aside for seismic upgrade of the jail, leaving approximately \$64 million to \$87 million of the retrofit costs unfunded at this time. Additional unspecified costs for temporary relocation of inmates during the retrofit would also be incurred.

According to DPW, the facility still would not comply with applicable State laws and building codes pertaining to minimum square footage for cells, day and dining rooms, and other facilities. DPW has also reported that, even if repairs are made to the existing facility at San Bruno, its useful life would not extend beyond 2007.

Mr. Martin states that, if the San Bruno Jail is to continue to house prisoners, the seismic improvements to the Jail should be conducted at the same time that the seismic improvements to City Hall are carried out (currently scheduled to start in early 1995). Mr. Martin advises that the San Bruno facility is a health and safety hazard, which reports show is located on the San Andreas fault line and which could be significantly damaged in a moderate earthquake. Mr. Martin therefore states that the proposed resolution would enable the City to avoid financing a retrofit that would have to be conducted even though it would fail to bring the Jail up to State Board of Corrections requirements.

Sergeant Ridgeway states, however, that while the San Bruno Jail has serious seismic problems, the building has not been "red tagged" or condemned. Furthermore, Sergeant

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Ridgeway questions the Mayor's Office assertion that a retrofit would fail to bring the San Bruno Jail up to application State Board of Corrections requirements. Sergeant Ridgeway therefore contends that the City would not have to commence the seismic retrofit of the San Bruno Jail during FY 1994-95, and could continue to operate the Jail without performing major physical improvements while awaiting the results of a proposed bond measure to finance replacement of the San Bruno Jail with a new facility. (See Comment No. 8.)

- **Litigation Related to Operation of the San Bruno Jail**

Mr. Martin reports that the Jail is the subject of a Federal lawsuit challenging the number of inmates held in the facility. The lawsuit contends that the Jail is rated to house 554 inmates. It currently houses 750 inmates. Mr. Martin advises that the Mayor's office is concerned that the Federal Court may eventually impose a cap of 554 inmates. If this were to happen, Mr. Martin reports that the City will have to find alternative housing for 196 inmates.

7. Sergeant Ridgeway advises that the Sheriff's Department believes that the concerns outlined above in Comment No. 6 are outweighed by the risk that Judge Orrick of the Federal Court may, in November of 1994, eliminate the early release program that now keeps the City's jail population artificially low.

- **Early Release Program**

The early release program authorizes the release of prisoners serving a one-year sentence after serving only 5 months and 20 days. However, Judge Orrick stated in proceedings held on May 12, 1994, that "If the defendants fail to open the new Sheriff's Facility by October 1, 1994, the Court is going to remove the authority which has been allowed to the Sheriff to cite out certain misdemeanors and early releases of sentenced prisoners." If this were to occur, Sergeant Ridgeway estimates that a minimum of 600 additional beds would be needed in San Francisco.

The Sheriff's Department also advises that the early release of sentenced inmates has an adverse impact on public safety in that many prisoners released early commit new crimes when they would have otherwise been in jail completing their full sentences. He therefore believes that continued dependence upon the early release program is inadvisable.

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According to Sergeant Ridgeway, accommodation of an additional 600 beds could only be accomplished with combined use of the San Bruno facility and an arrangement with Alameda County of the type being proposed in this resolution. Sergeant Ridgeway states that, once the San Bruno Jail is closed, it will not be possible for the City to re-open the facility without meeting State Board of Correction Requirements.

The Mayor's Office contends that the possibility that the early release program may be terminated needs to be weighed against the more compelling issue of holding people in an unsafe and overcrowded facility.

8. In order to fund construction of a new jail to replace the San Bruno Jail, the Sheriff's Department has drafted two alternative pieces of proposed legislation. A proposed resolution (File 170-94-11) determining the necessity for issuing a \$198,853,000 General Obligation Bond for the construction of a San Bruno Jail Replacement was approved by the Budget Committee of the Board of Supervisors at the Committee's meeting of June 8, 1994 and is currently pending before the Board of Supervisors. An alternative resolution (File 195-94-3), would provide for issuance of Certificates of Participation (COP). This proposed resolution is scheduled to be considered by the Budget Committee of the Board of Supervisors on July 6, 1994. Sergeant Ridgeway advises that there are different advantages and disadvantages associated with the General Obligation Bond and COP forms of financing, which will be discussed when both proposed resolutions come before the Board of Supervisors.

9. In summary, the proposed resolution would state that it is the policy of the City and County of San Francisco that beginning in January of 1995, San Francisco will rent bed space at the Santa Rita Jail Facility in Alameda County for housing approximately 680 inmates from San Francisco's San Bruno Jail Facility. The San Bruno Jail would cease to house inmates as of January, 1995, although certain physical plant functions would remain open to serve the adjacent County Jail No. 7.

The estimated \$10,349,286 cost of housing approximately 750 inmates in the San Bruno Jail is currently projected by the Sheriff's Department to be approximately \$7,744,284 less than the projected \$18,093,570 annual cost of transferring and housing 680 inmates at the Santa Rita Jail Facility in Alameda County. (The Mayor's Office states that the added

Memo to Health, Public Safety and Environment Committee
June 14, 1994 Health, Public Safety and Environment Committee Meeting

cost of the Santa Rita transfer would be lower than estimated, but believes that these estimates provide a reasonable basis for decision-making.)

However, major seismic upgrades and other repairs are needed at the San Bruno Jail. According to the DPW, the total cost to perform basic maintenance and repairs and to upgrade the San Bruno Jail to meet seismic standards would be \$73 million to \$96 million, of which \$9.4 million is currently set aside in 1990 Earthquake Safety Program II bond revenue funds, leaving approximately \$64 million to \$87 million of the retrofit costs unfunded at this time, in addition to unspecified costs for temporary relocation of inmates during the retrofit period. According to DPW, even after these repairs were completed, the San Bruno Jail would still not comply with all applicable building codes.

The Mayor's Office supports the proposed resolution. According to Mr. Martin, the San Bruno Jail is a health and safety hazard, which could be significantly damaged in a moderate earthquake. The Mayor's Office maintains that, if the San Bruno Jail remains open, seismic retrofit should be undertaken during FY 1994-95. The proposed resolution would close the San Bruno Jail and thus enable the City to avoid financing this retrofit. In addition, the Mayor's Office maintains that pending litigation may eventually have the effect of limiting the number of inmates that can be held at the Jail.

The Sheriff opposes the proposed resolution. Although the Sheriff supports the eventual closing of the San Bruno Jail, the Sheriff believes that the Jail should continue to operate until funding is approved for a new Jail. The Sheriff's Department does not believe that the seismic retrofit would have to be started during FY 1994-95, because the building has not been "red-tagged" or condemned. The Sheriff contends that, when the Sheriff's New Facility at 850 Bryant Street does not open by Judge Orrick's deadline of October, 1994, at Court proceedings scheduled for November of 1994 the Judge is likely to remove the City's authority to release prisoners serving a one-year sentence after serving only 5-months and 20 days (the early release program).

The Sheriff maintains that the City needs to keep the San Bruno Jail open, because if the early release program is terminated, accommodation of an additional 600 beds would have to be provided, and could only be accomplished with the combined use of the San Bruno Jail facility and an arrangement of the type being proposed in this resolution

Memo to Health, Public Safety and Environment Committee
June 14, 1994 Health, Public Safety and Environment Committee Meeting

with Alameda County. Sergeant Ridgeway of the Sheriff's Department states that, once the San Bruno Jail is closed, it will be impossible to reopen it without bringing the building into full compliance with State Prison Code Requirements.

The Mayor's Office asserts that the possibility that the early release program may be terminated needs to be weighed against the issue of holding people in an unsafe and overcrowded facility.

Both the Mayor's Office and the Sheriff's Department support construction of a new jail to replace the San Bruno Jail. Proposed legislation to provide General Obligation Bond financing in the amount of \$198,853,000 is currently pending before the Board of Supervisors, and a similar measure to provide Certificates of Participation financing is scheduled to be considered by the Budget Committee of the Board of Supervisors on July 6, 1994.

Recommendation: Approval of the proposed resolution is a policy matter for the Board of Supervisors.

Memo to Health, Public Safety and Environment Committee
June 14, 1994 Health, Public Safety and Environment Committee Meeting

Item 9 - File 83-94-1

Note: This item was continued by the Health, Public Safety and Environment Committee at its meeting of May 24, 1994.

1. This item is a hearing to consider the "One by One" homeless plan.

2. On February 14, 1994 the President of the Board of Supervisors released a report entitled "One by One," containing a plan for management of the homeless crisis in San Francisco. The plan addresses the areas of outreach, emergency centers, care and housing providers, legislation and funding. The analysis that follows summarizes plan elements within each area. The Budget Analyst consulted with the author, in preparation of this summary, who advised that detailed legislation is not yet available, which will implement various provisions in this plan.

3. Outreach: The plan calls for establishing 25 to 40 new Outreach Worker positions. The function of the Outreach Workers would be to encourage homeless persons to come to one of the City's Emergency Centers, where further assessment would be done (see Emergency Centers below) and to provide van transport to homeless persons. Outreach Workers would seek out homeless people and they would also be available to respond to calls from business owners to meet with homeless people who were affecting business activities.

According to the sponsor of the proposed plan, the 25 to 40 Outreach Workers would not be Civil Service positions. The sponsor reports that these Outreach Workers would be paid approximately \$25,000 to \$27,000 annually. Based on these estimated costs, the total annual costs for these Outreach Workers would be approximately \$625,000 to \$1,080,000. Since the actual class for these positions has not yet been determined, the precise cost is not available.

The sponsor of the proposed plan reports that the Chief Executive Officers (CEOs) of various downtown firms have offered to provide \$750,000 of funding for these Outreach Workers for the first year of operation.

4. Emergency Centers: The plan states that all intake and assessment for homeless shelters (referred to as "Emergency Centers" in the plan) should take place on the ground floor of the two existing City Multi-Service Centers and eight community health centers. Outreach Workers would direct homeless individuals to representatives from various advocacy groups and service provider organizations, who would have offices in the City's Multi-Service Centers to conduct intake and assessment. The assessment of homeless persons would occur at the Emergency Center, where they would be permitted to stay for up to seven days.

The plan calls for increasing the number of beds by at least 3,000, from 1,395 to 4,395. These Emergency Centers would be encouraged by the City to specialize in a particular segment of the homeless population. Nevertheless, duration of stay would be limited to seven days. The purpose of the Emergency Centers would be to house people until the appropriate service/housing provider, identified in the intake and assessment process, had time to make arrangements to accommodate them. According to the plan, once major expansion of permanent housing opportunities

had been accomplished (see Housing/Care Providers), such arrangements would typically be made within seven days.

The plan does not state what the 3,000 new beds would cost. However, the author advises that, based on discussions with Federal Housing and Urban Development (HUD) and Health and Human Services (HSS) representatives, the Federal government would match the City's contribution for such homeless services on a dollar-for-dollar basis, after the first six months of operation. In addition, as discussed below under Legislation, a resolution will be introduced to the Board of Supervisors urging the San Francisco religious community to provide an additional 1,000 beds for homeless people.

5. Housing/Care Providers: The plan contains proposals for expanding the supply of permanent housing for the homeless. The first proposal calls on each existing private provider of housing for the homeless to provide an additional 200 beds. The author states that legislation to be proposed would establish uniform reporting requirements for all providers of housing and homeless care, to provide better data on the outcomes of program participants or residents. The author advises that funding for the 200-bed expansion per housing provider would, under the plan, be provided primarily by the City, to be matched by the Federal government, because the uniform reporting requirements are to provide San Francisco with an advantage in applying for Federal funds, according to the plan.

The second proposal for expanding the supply of permanent housing for the homeless involves establishing a new housing development corporation that would lease and develop housing for previously homeless people who have obtained employment or qualified for public assistance. The emphasis of this proposal is on creating "cooperative housing arrangements," under which groups of previously homeless people would rent a house together. Potential tenants would have to agree to adhere to predetermined rules, and disputes would be settled by a committee of the housing development corporation. The plan states that, "The independent, self-help households would enable people of similar circumstances to help support each other both emotionally and financially." The housing development corporation would be charged with providing job development services, and administering a temporary employment service staffed by formerly homeless people.

Under the plan, a resolution would be introduced to the Board of Supervisors to change zoning restrictions, however, the specific details of such legislation have not yet been finalized. In addition, the plan states that legislation will be introduced to establish a Rental Assistance Program, to be funded primarily by grants to be obtained from the Federal government, to provide no-interest, two-year loans to cooperative housing groups to assist them with move-in deposits.

The plan does not indicate how many units would be leased by the housing development corporation, or how many units would be developed by the corporation. The nature and quantity of support services is not detailed, so the Budget Analyst is unable to estimate the costs of this proposal at this time.

6. Legislation: The plan refers to several pieces of legislation that would be proposed as part of the implementation process. As of the writing of this report, the

Memo to Health, Public Safety and Environment Committee
June 14, 1994 Health, Public Safety and Environment Committee Meeting

City Attorney has been requested to draft the following resolutions and ordinances related to the plan:

- Ordinance creating uniform reporting requirements for housing and homeless care providers.
- Resolution supporting a California/San Francisco mental health homeless partnership to house 5,000 homeless persons in three years, and urging the religious community to join in a partnership to provide 1,000 beds to homeless people.
- Resolution urging the Mayor to diligently pursue funding provided through the AIDS and Shelter Plus Care Grant program, and establish a Veterans Assessment Unit for engagement and assessment of homeless veterans.
- Ordinance establishing an 800 toll free number with immediate access to emergency shelter beds.
- Ordinance creating a Rental Assistance Program providing access to private sector apartments.
- Resolution investigating the feasibility of a "Security Academy" to provide youth employment opportunities, to aid homeless youth with General Education Degree (GED) courses and training in general clerical work and child care, and urging the banking community to aid shelter residents in money management and assistance for household heads in establishing bank accounts.

Other proposed legislation mentioned in the plan, such as changes to the zoning and rent control regulations, has not yet been referred to the City Attorney's Office for drafting.

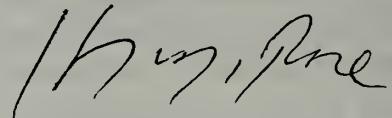
7. Funding: The plan includes a list of Federal, State and local programs that might be potential sources of funding for implementation of the plan. Appendix B of the plan is a memorandum from Marilyn Berry Thompson, San Francisco's Federal Lobbyist, listing all Federal programs supporting homeless initiatives funded through the United States Departments of Health and Human Services (HHS) and Housing and Urban Development (HUD). The memorandum describes a recent San Francisco grant award, a pending application, and recently rejected applications for Federal McKinney Act Assistance. The plan does not detail Federal and State funds currently provided to San Francisco for homeless assistance. An assumption of the plan is that San Francisco would be able to access considerably more Federal assistance if proposals were based on the plan.

According to the Author, San Francisco would have to provide approximately \$8 million to initiate the plan and provide some undetermined amount of local matching funds for Federal and State grants. The Author further indicates that the \$8 million in City funds would be required to establish the necessary Emergency Centers and to implement the proposed homeless services. It is expected that the funding would come from a reallocation of \$8 million from the \$49.5 million that the City currently spends for both direct and indirect programs and services affecting

Memo to Health, Public Safety and Environment Committee
June 14, 1994 Health, Public Safety and Environment Committee Meeting

the homeless (See Budget Analyst "Survey of the City's Current Programs and Services Affecting the Homeless Population, February, 1994).

8. The Author reports that, under the proposed plan, the City would not provide any homeless services directly, except for the two Multi-Service Center facilities. Rather, all homeless services would be contracted through non-profit providers. As of the writing of this report, the plan does not contain sufficient details on such matters as the number of permanent housing units to be developed or leased per year, the nature and amount of social health services to be provided, etc. Therefore, the Budget Analyst cannot estimate the fiscal impact of the plan at this time.



Harvey M. Rose

cc: Supervisor Shelley
Supervisor Hallinan
Supervisor Leal
President Alioto
Supervisor Bierman
Supervisor Conroy
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Maher
Supervisor Migden
Clerk of the Board
Chief Administrative Officer
Controller
Teresa Serata
Robert Oakes
Ted Lakey

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HEALTH, PUBLIC SAFETY & ENVIRONMENT COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

REGULAR MEETING

TUESDAY, JUNE 28, 1994, 10:00 A.M.

CITY HALL, ROOM 228
SAN FRANCISCO, CA 94102

MEMBERS: Supervisors Kevin Shelley, Terence Hallinan, Susan Leal

CLERK: Gregoire Hobson

* * * * *

Disability Access

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For a large print copy of an agenda, contact Moe Vazquez at (415) 554-4909.

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1. File 111-94-1.1. [Lobos Creek Conservation District] Resolution ordering and directing the Zoning Administrator, the Superintendent of the Bureau of Building Inspection, and other permit issuing agencies to suspend action on any application for permits or other land use entitlements, subject to specified exceptions, for property within the Lobos Creek Conservation District as herein defined. (Supervisor Shelley) (COMPANION TO THE FOLLOWING FILE)

(Cont'd from 6/14/94)

ACTION:

2. File 111-94-1. [Lobos Creek Conservation District Moratorium] Resolution imposing Interim Zoning Controls to temporarily prohibit the approval of permits or other land use entitlements, subject to specified exceptions, for property within the Lobos Creek Conservation District as herein defined, for an eighteen months period. (Supervisor Shelley) COMPANION TO THE PRECEDING FILE) (Exempt from Environmental Review)

(Cont'd from 6/14/94)

ACTION:

3. File 277-94-1. [Jelani House] Hearing to consider issues relating to Jelani House. (Supervisor Shelley)

ACTION:

4. File 30-94-16. [Agreements] Resolution designating certain facilities as intensive treatment facilities pursuant to Welfare and Institutions Code Sections 5150 and 5250; and authorizing the Director of Mental Health to enter into agreements with said facilities. (Department of Public Health)

ACTION:

HEALTH, PUBLIC SAFETY AND
ENVIRONMENT COMMITTEE
BOARD OF SUPERVISORS
ROOM 235, CITY HALL
SAN FRANCISCO, CA 94102

IMPORTANT
HEARING NOTICE

CITY AND COUNTY



OF SAN FRANCISCO

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BOARD OF SUPERVISORS

BUDGET ANALYST

1390 MARKET STREET, SUITE 1025

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June 24, 1994

TO: Health, Public Safety and Environment Committee
FROM: Budget Analyst *Recommendations*
SUBJECT: June 28, 1994 Health, Public Safety and Environment Committee
Meeting

Item 4 - File 30-94-16

Department: Department of Public Health (DPH)
Community Mental Health and Substance Abuse Services
(CMHS)

Item: Resolution designating certain facilities as intensive treatment facilities pursuant to Welfare and Institutions Code Sections 5150 and 5250 and authorizing the Director of Mental Health to enter into agreements with said facilities.

Description: The State's Welfare and Institutions Code Sections 5150 and 5250 authorize counties to designate hospitals to involuntarily detain persons to provide them with 72-hour psychiatric evaluations and 14-day psychiatric treatments.

The proposed resolution would designate the following hospitals for a three year term, from July 1, 1994 through June 30, 1997, as authorized to involuntarily detain persons for 72-hour evaluations and 14-day intensive treatments:

Langley Porter Psychiatric Institute
San Francisco General Hospital
St. Mary's Hospital and Medical Center
California Pacific Medical Center
St. Francis Memorial Hospital
Westside Community Crisis
St. Luke's Hospital

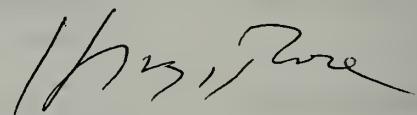
Memo to Health and Public Safety Committee
June 28, 1994 Health and Public Safety Committee Meeting

The proposed resolution would also authorize the Deputy Director for Mental Health and Substance Abuse Services to enter into agreements with each of the above listed hospitals to implement the designated facility status. These agreements stipulate the respective responsibilities of the Community Mental Health and Substance Abuse Services Division and the hospitals. For example, the proposed agreement would require the Community Mental Health and Substance Abuse Services Division to issue 5150 authorization cards to qualified clinical staff in the proposed designated hospitals. Having 5150 authorization cards permits clinicians to involuntarily detain persons in order to provide them with 72-hour psychiatric evaluations and 14-day psychiatric treatments.

Comment:

1. Hospitals were last designated for three years through June 30, 1994. The current designated hospitals are the same as the proposed hospitals with the exception of Mt. Zion Hospital and Medical Center which is no longer providing inpatient psychiatric services.
2. The proposed resolution would not obligate the City to fund psychiatric services provided to those persons detained involuntarily. Therefore, the proposed resolution would have no fiscal impact on the City.

Recommendation: Approval of the proposed resolution is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc:	Supervisor Shelley	Controller
	Supervisor Hallinan	Teresa Serata
	Supervisor Leal	Robert Oakes
	President Alioto	Ted Lakey
	Supervisor Bierman	
	Supervisor Conroy	
	Supervisor Hsieh	
	Supervisor Kaufman	
	Supervisor Kennedy	
	Supervisor Maher	
	Supervisor Migden	
	Clerk of the Board	
	Chief Administrative Officer	

BOARD OF SUPERVISORS
BUDGET ANALYST

NOTE: CHANGE IN TIME AND LOCATION

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HEALTH, PUBLIC SAFETY & ENVIRONMENT COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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JUL 11 1994

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RESCHEDULED REGULAR MEETING

TUESDAY, JULY 12, 1994, 2:00 P.M.

CITY HALL,
LEGISLATIVE CHAMBER
SAN FRANCISCO, CA 94102

MEMBERS: Supervisors Kevin Shelley, Terence Hallinan, Susan Leal

CLERK: Gregoire Hobson

* * * * *

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1. File 7-94-8. [MUNI Riders Bill of Rights] Resolution urging the Mayor to direct the new Transportation Commission to establish, as a top priority, commitment to MUNI service quality including development of a MUNI Riders' Bill of Rights and renewed commitment to the Transit First Policy. (Supervisor Leal)

ACTION:

2. File 30-94-19. [Health Care Budget, St. Mary's Hospital] Hearing to consider the impact on the City and County of San Francisco's health care budget on St. Mary's Hospital negotiations. (Supervisors Shelley and Alioto)

ACTION:

3. File 206-94-3. [Geneva Towers, Health and Safety Issues] Hearing to consider the public health and safety issues at Geneva Towers. (Supervisors Shelley and Alioto)

ACTION:

HEALTH, PUBLIC SAFETY AND
ENVIRONMENT COMMITTEE
BOARD OF SUPERVISORS
ROOM 235, CITY HALL
SAN FRANCISCO, CA 94102

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July 8, 1994

TO: // Health, Public Safety and Environment Committee
FROM: // Budget Analyst
SUBJECT: July 12, 1994 Health, Public Safety and Environment Committee Meeting

Item 1 - File 7-94-8

Department: Municipal Railway (MUNI)

Item: Resolution urging the Mayor to direct the new Transportation Commission to establish, as a top priority, a commitment to MUNI service quality, including the development of a MUNI Riders Bill of Rights, and a renewed commitment to the Transit First Policy.

Description: In November of 1993, San Francisco voters approved Proposition M, which established the new San Francisco Transportation Commission. The Transportation Commission, in charge of the new Department of Transportation, has direct responsibility for overseeing the management, operations and efficiency of the City's public transit system through its Municipal Railway.

According to Mr. Phil Chin of the Public Utilities Commission (PUC), because of the 6.6 percent decline in General Fund support for MUNI over the past five years, which corresponds to a 20 percent reduction when accounting for inflation, there has been a reduction in necessary transportation, administrative and engineering staff. According to the proposed resolution, this reduction in staff has eroded the public's confidence in MUNI's reliability and accountability,

Memo to Health, Public Safety and Environment Committee
July 12, 1994 Health, Public Safety and Environment Committee Meeting

which has translated into a 2.5 percent reduction in the number of MUNI riders, from 236 million in 1988-89 to 230 million in 1992-93.

According to the proposed resolution, some public transit agencies, including the Southern California Rapid Transit District, have established a "Riders Bills of Rights" as a means of bringing together the needs, concerns, and responsibilities of public transit riders, operators and staff, management and City government in order to emphasize quality service in public transit operations.

The proposed resolution would urge the Mayor to direct the Transportation Commission to seek comments from MUNI riders, management and staff, operators, labor representatives and other interested persons and organizations in order to develop a MUNI Riders Bill of Rights. According to the Author's Office, the following are provisions which could possibly be included in the MUNI Riders Bill of Rights:

- A Safe Journey

A bus or streetcar must be a safe place.

- Reliability

Reliable service vastly improves the quality of life for current MUNI riders and attracts new riders to public transit.

- Respect

Every rider on MUNI has the right to be treated with courtesy and respect.

- Convenience

MUNI should go where and when its riders need to travel.

- Access

Bus and streetcar stops should be convenient for passengers.

- Communication

Timely, correct, and easily accessible transit information should be available.

- Quality Service

Buses and streetcars must be clean, well maintained, and free from graffiti.

Comment:

According to the Author's Office, funding is being sought from local business, civic, transit and environmental organizations

BOARD OF SUPERVISORS
BUDGET ANALYST

Memo to Health, Public Safety and Environment Committee
July 12, 1994 Health, Public Safety and Environment Committee Meeting

to support the production and distribution of the MUNI Riders Bill of Rights, as approved by the Transportation Commission. As of the writing of this report, there were no available estimates of the costs of printing and distributing a MUNI Riders Bill of Rights.

Recommendation: Approval of the proposed resolution is a policy matter for the Board of Supervisors.

Memo to Health, Public Safety and Environment Committee
July 12, 1994 Health, Public Safety and Environment Committee Meeting

Item 3 - File 206-94-3

Item: This item is a hearing to consider public health and safety issues at Geneva Towers.

Description: Geneva Towers, which is located at 1001 Sunnydale Avenue, is a 576 unit low-income housing complex owned by Housing and Urban Development (HUD). HUD advises that there are currently approximately 850 tenants occupying a total of 304 units at this housing complex.

Mr. Jack Breslin, Assistant Director of the Environmental Health Services Division of the Department of Public Health (DPH), reports that the DPH was contacted by the Regional Director of HUD in November of 1993 regarding HUD's concerns in connection with an environmental assessment of the water supply at Geneva Towers which had been performed by Kellco, a consulting firm retained by HUD. According to Mr. Breslin, Kellco's environmental assessment had found high levels of lead in the Geneva Towers' water supply which represented a threat to the health and safety of the tenants housed at Geneva Towers.

Mr. Breslin reports that in response to the concerns that Geneva Towers' water supply was lead-contaminated, the Environmental Health Services Division of DPH conducted a series of tests on Geneva Towers' water supply over a period of several months. These tests were paid for by the Water Department's existing budget. According to Mr. Breslin, these tests consisted of taking water samples twice a day from approximately 41 occupied housing units throughout the complex and having these water samples analyzed for contaminants. Mr. Breslin states that the analysis performed on these water samples found that the water was well within safe drinking water standards.

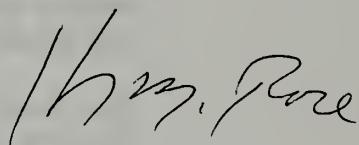
Additionally, Mr. Breslin advises that the DPH did a blood-lead screening of 200 tenants (adults and children) at Geneva Towers during November and December of 1993. According to Mr. Breslin, none of the persons screened were found to have high blood lead levels.

Mr. Breslin reports that the DPH has requested a list, from the Geneva Towers Resident Council, of those tenants at Geneva Towers that are still registering complaints regarding the safety of the Geneva Towers' water supply. According to Mr. Breslin, if the DPH is provided with such a list, the Department would conduct additional tests of the

Memo to Health, Public Safety and Environment Committee
July 12, 1994 Health, Public Safety and Environment Committee Meeting

water supply of the units occupied by these tenants in order to ascertain whether there are problems with the water supply that are specific to these units. Mr. Breslin adds that the Department has arranged to have a plumbing inspector do an on-site inspection of the plumbing system at Geneva Towers to determine whether there is any potential of water service contamination within the units of those residents who have continued to register complaints.

Mr. Larry Meredith of the DPH reports that the Department has also, in response to health concerns of the tenants at Geneva Towers, arranged for medical and health services appointments for tenants at the City's Health Center 3. Mr. Meredith stated that thus far, only a minimal number of tenants have taken advantage of these health services. Mr. Meredith advises that in addition, a satellite clinic was made available at the Geneva Towers complex on Thursday afternoons to address the health concerns of the tenants.



Harvey M. Rose

cc: Supervisor Shelley
Supervisor Hallinan
Supervisor Leal
President Alioto
Supervisor Bierman
Supervisor Conroy
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Maher
Supervisor Migden
Clerk of the Board
Chief Administrative Officer
Controller
Teresa Serata
Robert Oakes
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HEALTH, PUBLIC SAFETY & ENVIRONMENT COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

REGULAR MEETING

TUESDAY, JULY 26, 1994, 2:00 P.M.

CITY HALL, ROOM 228
SAN FRANCISCO, CA 94102

MEMBERS: Supervisors Kevin Shelley, Terence Hallinan, Susan Leal

CLERK: Gregoire Hobson

* * * * *

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1. File 146-93-57.2. [Grant – Federal, Homeless Dually Diagnosed] Resolution authorizing the Department of Public Health, Division of Mental Health and Substance Abuse Services retroactively to apply for a grant up to the amount of \$700,000 which includes indirect costs in the amount of \$14,700 which is two (2) percent of the grant application amount from the United States Department of Health and Human Services, Center for Mental Health Services and Center for Substance Abuse Treatment to provide evaluation of the Mental Health and Substance Abuse Service Referral System for the homeless dually diagnosed. (Supervisor Leal)

(Referred from Board Meeting of July 11, 1994)

ACTION:

2. File 221-94-5. [Workers' Compensation] Resolution urging the Retirement Board to provide medical service alternatives for City employees during any labor dispute with a hospital carrying the City and County of San Francisco's Workers' Compensation contract. (Supervisors Alioto, Bierman, Hallinan, Maher, Kennedy, Shelley)

ACTION:

HEALTH, PUBLIC SAFETY AND
ENVIRONMENT COMMITTEE
BOARD OF SUPERVISORS
ROOM 235, CITY HALL
SAN FRANCISCO, CA 94102

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CITY AND COUNTY

OF SAN FRANCISCO



BOARD OF SUPERVISORS

BUDGET ANALYST

1390 MARKET STREET, SUITE 1025

SAN FRANCISCO, CALIFORNIA 94102 • TELEPHONE (415) 554-7642

DOCUMENTS DEPT.

July 22, 1994

MAY 31 2002

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TO: Health, Public Safety and Environment Committee

FROM: Budget Analyst

SUBJECT: July 26, 1994 Health, Public Safety and Environment Committee
Meeting

Item 1 - File 146-93-57.2

Note: This item, which was previously recommended by the Government Efficiency and Labor Committee, was referred by the Board of Supervisors to the Health, Public Safety and Environment Committee.

Department: Department of Public Health (DPH)
Division of Mental Health and Substance Abuse Services

Item: Resolution authorizing the Department of Public Health, Division of Mental Health and Substance Abuse Services to apply for a grant up to the amount of \$700,000 which includes indirect costs in the amount of \$14,700, or approximately two percent of the total award, from the United States Department of Health and Human Services, Center for Mental Health Services and Center for Substance Abuse Treatment to evaluate the mental health and substance abuse service referral system for the homeless dually diagnosed.

Memo to Health, Public Safety and Environment Committee
July 26, 1994 Health, Public Safety and Environment Committee Meeting

Grant Amount:	Up to \$700,000	
Grant Period:	October 1, 1994 to September 30, 1996 (Two Years)	
Source of Funds:	U. S. Department of Health and Human Services, Center for Mental Health Services and Center for Substance Abuse Treatment.	
Project:	Evaluation of the Mental Health and Substance Abuse Service Referral System for the Homeless Dually Diagnosed	
Description:	<p>The Department of Public Health previously applied for and received grant funds for September 30, 1993 through August 31, 1994 to fund contract services to perform a demonstration program to document and evaluate services for screening, assessment and treatment of homeless persons who are mentally ill and are substance abusers (File No. 146-93-57.1, Resolution No. 60-94). The demonstration program was to include compilation and distribution of a manual to mental health providers City-wide. The manual would be used to ensure that the target population is referred to the appropriate mental health and drug rehabilitation providers. The program was also to include the development of tools to monitor the effectiveness of all treatment strategies.</p> <p>The proposed resolution would authorize DPH to apply for grant funds to evaluate the effectiveness of the referral system established by the previous grant and to both assess treatment strategies and identify the most successful in order to effectively implement nationwide treatment plans for the homeless.</p>	
Budget:	The following budget is for the two year period from October 1, 1994 to September 30, 1996.	
	<u>Annual</u>	<u>Total</u>
<u>Department Overhead/Admin.</u>	\$8,500	\$17,000
<u>Contract Services</u>		
Research Personnel & Oversight	\$251,000	\$502,000
Equipment	2,000	4,000
Supplies	2,000	4,000
Travel	3,150	6,300
Facility Support, Equipment		
Maintenance and Subject Payments	40,000	80,000
Administration	<u>36,000</u>	<u>72,000</u>
Total Contract	\$334,150	\$668,300

BOARD OF SUPERVISORS
BUDGET ANALYST

Memo to Health, Public Safety and Environment Committee
July 26, 1994 Health, Public Safety and Environment Committee Meeting

	<u>Annual</u>	<u>Total</u>
<u>Indirect Costs</u>		
10% of Department Overhead/		
Administration	\$850	\$1,700
2% of Contract Cost	<u>6,500</u>	<u>13,000</u>
Total Indirect Costs (Approximately 2% of the Total Grant Amount)	7,350	14,700
Total Costs	\$350,000	\$700,000

Required Match: None

Indirect Costs: \$14,700

Comments:

1. The application deadline for the proposed grant was June 17, 1994. Since DPH previously submitted an application for the proposed grant in order to meet this deadline, the proposed resolution should be amended to retroactively authorize DPH to apply for the grant.
2. The Department states that should the Center for Mental Health Services and the Center for Substance Abuse Treatment award funds to the City, the Department would submit a more comprehensive budget, including personnel detail, when it requests authorization to accept and expend the proposed grant.
3. A Summary of Grant Request form, as completed by the Department, is included.
4. The Disability Access Checklist has been completed by the Department, and is in the file.

Recommendations:

1. Amend the proposed resolution to authorize the Department of Public Health to apply for the proposed grant retroactively.
2. Approve the proposed resolution, as amended.

No. _____

Health Commission - Summary of Grant Request

Grantor: USDHHS/Ctr. for Mental Health Svcs.
(CMHS) & Ctr. for Subst. Abuse Trmt. (CSAT)
Contact Person: Barbara Lubran, M.P.H. et al.
Address: CSAT, Rockwall II, 10th Fl.
5600 Fishers Lane, Rockville MD 20857
Amount Requested: \$700,000
Term: From 10/1/94 To 9/30/96

Health Commission _____ Board of Supervisors:

Mental Health and
Division: Substance Abuse Services
Section: Community Substance Abuse Services
Contact Person: Wayne Clark, Ph.D.
Telephone: 255-3500
Application Deadline: June 17, 1994
Notification Expected: September, 1994

Finance Committee:
Full Board:

I. Item Description: Request to apply for a new allocation grant in the amount of \$700,000 from the federal Center for Mental Health Services and Center for Substance Abuse Treatment for the period of 10/1/94 to 9/30/96 to provide evaluation of the mental health and substance abuse service referral system for the homeless.

II. Summary: (Context/history; need addressed; number + groups served; services and providers)

This is the second phase of a grant project for which the Department of Public Health applied and received funds (File No. 146-93-57.1 Res. No. 60-94) primarily to develop a comprehensive manual documenting the treatment referral system. This second phase allows the City to apply for funds to (Continued on Page 1b attached)

III. Outcomes/Objectives:

The grant project objective is to accurately assess treatment strategies from Phase 1 and identify the most successful in order to effectively implement nationwide treatment plans for the homeless.

IV. Effects of Reduction or Termination of These Funds:

Should funds be reduced or terminated, the project would be proportionately reduced or terminated.

V. Financial Information:

Col. A Two Years Ago	Col. B Past Year/ Original	Col. C Proposed (2 Years)	Col. D Change	Req. Match	Approved by
----------------------------	----------------------------------	---------------------------------	------------------	------------	-------------

Grant Amount	N/A	N/A	700,000	N/A	N/A	N/A
Personnel			17,000			
Equipment			0			
*Contract Svc.			668,300			
Mat. & Supp.			0			
Facilities/Space			0			
Other/Admin.			0			
Indirect Costs			14,700			

VI. Data Processing

(costs included above) 0

VII. Personnel

F/T CSC	0
P/T CSC	1
Contractual	6

Source(s) of non-grant funding for salaries of CSC employees working part-time on this grant:

Projected CSC employees are already budgeted 100% in the Department's genl. fund budget. Receipt of grant funds would reduce general fund portion and divert the difference to salary savings.

Will grant funded employees be retained after this grant terminates? If so, How?

No; contractual employees will be advised that their services will terminate at the end of the project.

***VIII. Contractual Services:** Open Bid _____ Sole Source XXX* (if sole source, attach Request for Exemption Form)

*A sole source contract award is projected to the current provider should funds be awarded. A sole source exemption form will be submitted with the request to accept and expend funds later.

est to apply for a new allocation grant in the amount of \$700,000 from the USDHHS/Center for Mental Health
Services and Center for Substance Abuse Treatment for the period of 10/1/94 to 9/30/96 to provide evaluation of the
mental health and substance abuse homeless outreach project.

age 2

L Summary (Continued from First Page)

valuate the effectiveness of treatment approaches and interventions for the target population.

ased on the total funds available and number of potential applicants, the Department has determined
that it could apply for approximately \$350,000 per year, or \$700,000 for a two year maximum project
award. An estimated budget is as follows:

Department Overhead/Admin. \$8,500

PH/DMS 10% indirect rate on personnel 850

Contractual

Research personnel & oversight 251,000

Equipment 2,000

Supplies 2,000

Travel 3,150

Facility support, eqpmt. maint. &
Subject payments 40,000

Administration 36,000

Total Contractual 334,150

PH/DMS 2% indirect rate on contractual: 6,500

Estimated Total 1st year: \$350,000

suming similar expenses for year 2, the total application amount will approximate \$700,000 for two
years.

order to meet the Board's deadline for calendaring this item before the CMHS/CSAT application
deadline, the Department is unable to submit a detailed budget at this time. Furthermore, such a budget
ould not match a lower award amount.

ould CMHS/CSAT award funds to the City, the Department will request permission from the Health
commission and Board of Supervisors to accept and expend them. A detailed budget would be
ovided at that time.

Memo to Health and Public Safety Committee
July 26, 1994 Health and Public Safety Committee Meeting

Item 2 - File 221-94-5

Item: Resolution urging the Retirement Board to provide medical service alternatives for City employees during any labor dispute with a hospital which has been awarded the City and County of San Francisco's Workers Compensation contract.

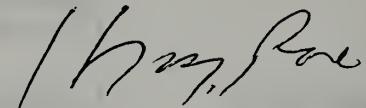
Description: Currently, St. Francis Memorial Hospital holds the contract for the City's workers compensation medical treatment facility. St. Francis Memorial Hospital is therefore responsible for the initial treatment of most injured City workers. Most fees charged by St. Francis Memorial Hospital to the City for Workers Compensation medical treatment are subject to the State's Official Medical Fee Schedule for workers compensation medical services. However, some services are not subject to this fee schedule, but are only subject to the contract rate. According to Ms. Claire Murphy, General Manager of the Employees Retirement System (ERS), the contract has averaged approximately \$2.5 million each year over the past five years. St. Francis Memorial Hospital has held this contract since 1973.

According to Ms. Murphy, under the City's Workers Compensation contract, it is the responsibility of the contractor to provide medical services to City employees. Thus, Ms. Murphy advises that if St. Francis Hospital is having a labor dispute that results in a strike, St. Francis would be responsible for providing a City employee with alternative medical services if that employee does not wish to cross a picket line. While this arrangement with St. Francis Hospital is not specifically included in its contract with the City, Ms. Murphy reports that, to date, St. Francis Memorial Hospital has provided medical services to City employees through the use of private physicians' outside offices during work stoppages.

Ms. Murphy advises that for the City to specifically include a new provision in the contract with St. Francis Memorial Hospital to provide alternative medical services to City employees during strikes would require the ERS to renegotiate its Workers Compensation contract with St. Francis Hospital. Ms. Murphy advises that contract renegotiations would cost the ERS an unknown amount in legal fees.

Memo to Health and Public Safety Committee
July 26, 1994 Health and Public Safety Committee Meeting

Recommendation: Approval of the proposed resolution is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Shelley
Supervisor Hallinan
Supervisor Leal
President Alioto
Supervisor Bierman
Supervisor Conroy
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Maher
Supervisor Migden
Clerk of the Board
Chief Administrative Officer
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CALENDAR

HEALTH, PUBLIC SAFETY & ENVIRONMENT COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

REGULAR MEETING

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AUG 4 1994
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TUESDAY, AUGUST 9, 1994, 10:00 A.M.

CITY HALL, ROOM 228
SAN FRANCISCO, CA 94102

MEMBERS: Supervisors Kevin Shelley, Terence Hallinan, Susan Leal

CLERK: Gregoire Hobson

* * * * *

Disability Access

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1. File 223-94-4. [Quarterly Report on Status of 9-1-1 System] Hearing to consider the quarterly reports from all affected agencies regarding the status of the 9-1-1 Emergency Response System. (Supervisor Shelley)

ACTION:

2. File 223-94-5. [911 System] Hearing to consider issues involving the 911 system and related emergency responses. (Supervisors Shelley, Alioto)

ACTION:

HEALTH, PUBLIC SAFETY AND
ENVIRONMENT COMMITTEE
BOARD OF SUPERVISORS
ROOM 235, CITY HALL
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BUDGET ANALYST

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AUG 9 1994
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August 5, 1994

TO: Health, Public Safety and Environment Committee

FROM: Budget Analyst *Recommendations...*

SUBJECT: August 9, 1994 Health, Public Safety and Environment Committee Meeting

Items 1 and 2 - Files 223-94-4 and 223-94-5

1. These items are hearings to consider the quarterly reports from all affected agencies regarding the status of the 911 Emergency Response System (File 223-94-4) and to consider issues involving the 911 System and related emergency responses (File 223-94-5).

2. The San Francisco Police Department's Communications Control Center is designated as the Public Safety Answering Point (PSAP) for 911 emergency calls in the City and County of San Francisco. PSAP operators (call evaluators), receiving 911 bona-fide emergency calls, transfer such calls to Police Dispatchers, or to call evaluators at the Health Department or the Fire Department. The 911 Emergency Telephone System is one part of a three component process that delivers emergency assistance services to the public. The other two components are the dispatch systems and the service delivery units of the Police Department, the Fire Department, and the Health Department. The major functions performed in the Police Department's Communications Center are as follows:

- Receiving 911 calls
- Requesting translation services, when required
- Evaluating 911 calls
- Transferring 911 calls to the proper agency
- Dispatching Police units in response to 911 calls
- Receiving Police non-emergency calls via 553-0123
- Evaluating 553-0123 calls

Memo to Health, Public Safety and Environment Committee
August 9, 1994 Health, Public Safety and Environment Committee Meeting

- Transferring non-emergency calls to other agencies, when appropriate
- Dispatching Police units in response to 553-0123 calls
- Recording 911 emergency calls and Police radio communications

3. The Board of Supervisors approved six resolutions concerning the 911 Emergency Response System in February of 1993, as shown below. The Police Department has previously reported on the status of the Department's responses to the six resolutions, most recently at the April 26, 1994, meeting of the Health, Public Safety and Environment Committee. The issue of staffing (File 207-92-11) is addressed in the Department's Quarterly Report of August 1994 (Attachment I) along with issues concerning training, the secondary PSAP, information, and audit recommendations.

The six resolutions previously approved by the Board of Supervisors are as follows:

- (a) File 207-92-11. Urging the Mayor to authorize sufficient funding in the FY 1993-94 Police Department budget to fully staff the Communications Center.
- (b) File 207-92-11.2. Urging the Mayor to institute the civilianization of the supervisorial positions in the Police Department Communications Center.
- (c) File 207-92-11.3. Urging the Mayor to institute a public education program to inform the public of the proper use of 911.
- (d) File 207-92-11.4. Urging the Mayor to establish response-time goals for the 911 and non-emergency lines.
- (e) File 207-92-11.5. Urging the Mayor to develop a program to reduce dispatcher injuries and illnesses and to maintain staffing at authorized levels.
- (f) File 207-92-11.6. Urging the Mayor to find alternatives to installing an automated attendant system on the non-emergency line.

Memo to Health, Public Safety and Environment Committee
 August 9, 1994 Health, Public Safety and Environment Committee Meeting

4. Captain Donohoe, Commander of the Communications Division of the Police Department, reports that the staffing profile for the 135 permanent, authorized Communications Dispatcher (Classification No. 8238) positions in the Police Department's FY 1994-95 budget, as of Friday, August 6, 1994, is as follows:

<u>Status</u>	<u>Number</u>
Employees Actually on the Job	
Fully trained	82
Phone trained (perform call evaluations but do not as yet dispatch Police units)	14
On-the-Job Training phone evaluators	14
Field Operations Bureau	<u>1</u>
Subtotal - Performing Communications Dispatcher tasks or in training)	111
Custodian of Records	2
Facility Coordinator	<u>1</u>
Subtotal - Performing Communications Dispatcher Support Functions	<u>3</u>
Total Employees Actually on the Job	114
 Employees in Authorized Positions Who are Not on the Job and Vacant Positions	
Employees to be terminated for unsatisfactory performance	2
Sick Leave	9
Workers' Compensation	<u>6</u>
Subtotal - Employees in Authorized Positions Who are not On the Job	17
Unfilled requisitions (Vacant Positions)	<u>4</u>
Total Employees in Authorized Positions Who are Not on the Job and Vacancies	21
Total Authorized Positions	135

5. The Police Department requested an additional five permanent Communications Dispatcher positions in its FY 1994-95 budget request, which would have brought the total number of authorized Communications Dispatcher positions to 140. Those positions were denied by the Mayor's Office. Captain Donohoe stated that the additional five positions are needed for the Communications Center to fully perform its operational mission, particularly because, as noted above, presently, only 114 of the authorized 135 Communications

BOARD OF SUPERVISORS
BUDGET ANALYST

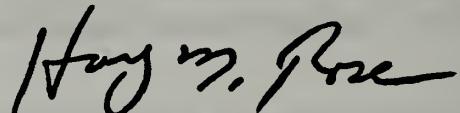
Memo to Health, Public Safety and Environment Committee
August 9, 1994 Health, Public Safety and Environment Committee Meeting

Dispatcher positions are available for work at this time, leaving 21 positions (approximately 15.5 percent) not available for Communications Dispatcher duties.

6. However, as noted in the Police Department's latest Quarterly Report (Attachment I), the Police Department anticipates hiring "10 more dispatchers on the 15th of August." It is anticipated that the 10 new hires will be made against the four current vacancies and against the six positions occupied by employees either on sick leave or Workers Compensation who are not returning to City employment.

7. The Director of the Mayor's Office of Emergency Services, Admiral (Retired) John Bitoff, conducted a management audit of the 911 System as a result of the 101 California incident, which was completed in August of 1993. The Police Department's most recent report on the status of implementing the recommendations contained in Admiral Bitoff's audit are attached to this report (Attachment II).

8. Captain Donohoe reports that he and Deputy Chief Frank Reed will be available at the Health, Public Safety and Environment Committee meeting of August 9, 1994, in order to respond to any questions that the Committee might have.



Harvey M. Rose

cc: Supervisor Shelley
Supervisor Hallinan
Supervisor Leal
President Alioto
Supervisor Bierman
Supervisor Conroy
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Maher
Supervisor Migden
Clerk of the Board
Chief Administrative Officer
Controller
Teresa Serata
Robert Oakes
Ted Lakey



POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO

THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103

PAGE 2/13
Attachment I
Page 1 of 4

ANTHONY D. RIBERA, Ph.D.
CHIEF OF POLICE

July 28, 1994

Mr. John L. Taylor
Clerk of the Board
of Supervisors
City Hall, Room 135
San Francisco, CA 94102

Dear Mr. Taylor:

Enclosed please find the 9-1-1 Quarterly report for August, 1994. This report is furnished for the next meeting of the Public Safety Committee.

If further information is required on this report or any other 9-1-1 issues, please contact Captain Thomas Donohoe of the Communications Division at 553-1042.

Sincerely yours,

ANTHONY D. RIBERA
Chief of Police

9-1-1
Quarterly Report
August 1994STAFFING:

During this quarter, significant steps have been taken to increase the staffing level of Police Communications Dispatchers. With the cooperation of the Department of Human Resources, we have hired 25 dispatchers who are currently in training.

We anticipate hiring 10 more dispatchers on the 15th of August. This will exhaust all available funded requisitions, as well as replacing permanent dispatchers who are on extended leaves and not expected to return to work.

As for future hiring, Human Resources is developing a lateral examination announcement. This announcement will be sent to dispatch centers of comparable size and will be printed in trade journals.

Also, an entry level announcement is being prepared. This announcement will raise the minimum qualifications necessary to test for the position of dispatcher.

Together with Human Resources, the Department is exploring the possibility of using "as needed" employees. There are a host of issues to be addressed before this procedure may be implemented.

TRAINING:

A 24 hour advanced dispatcher course is being developed by the Division Training Coordinator. P.O.S.T. has no criteria for this course and leaves the curriculum up to the individual departments. These courses are tentatively scheduled to begin in January, 1995.

The bulletin board in the lounge area is utilized by the Training Coordinator to keep dispatchers informed of significant policy changes of the Department and the Division. These policy changes are also the subject of "line-up" training prior to the beginning of each watch.

All classifications in the Division have been included in the Department training plan. Members will attend training classes when available. These classes include those presented at our Academy, as well as classes presented by other agencies.

SECONDARY PSAP:

The secondary PSAP at Northern Station is operable. The system is tested quarterly by all three watches.

At Northern Station, there are 6 phone answering positions. These positions only answer emergency 9-1-1 calls. Non-emergency callers receive a recording advising them of an emergency and for the caller to call at a later time, or to call the district station for non-emergency service.

Since this secondary PSAP is not state of the art and takes some time to set up, the Department is exploring the feasibility of using the Paramedic Dispatch center as the back up PSAP.

Preliminary meetings have been held with Manager Pippa Amick of the Paramedic division regarding this location and she is very supportive of the idea. These meetings will continue and I will update the Board periodically on progress.

INFORMATION:

Ken Dowlin, the City Librarian, has offered the services of the library to answer general information questions from the public. I have contacted the resource-information desk of the library and will visit them during the first week of August to determine the types of questions that could be relayed to them.

It is possible that their information operators could take some of the workload from our call evaluators, especially in areas of parade, race, and street closure information.

AUDIT RECOMMENDATIONS:

I have attached a report dated May 16, 1994, detailing the status of the recommendations of the 911 audit made by Admiral John Bitoff.

This is an update on those recommendations.

Recommendation 1:

As stated above, our Department and the Department of Human Resources are working together to raise the minimum qualifications at the entry level in order to hire the most qualified personnel for the center. Lateral entry announcements will soon be sent to other dispatch centers and will be published in trade journals to recruit qualified persons who have already demonstrated proficiency in emergency service dispatching.

Recommendation 4B:

User groups (including communications personnel) have been recruited and are meeting with the project manager to advise on equipment and facility needs.

Recommendation 5:

On June 17, 1994, the Communications Dispatch Manual was received from the printer. It has been distributed to every employee. Each employee was asked to review the manual and to make suggestions for changes or clarification.

A ready reference chart is being printed. This is a user-friendly flip chart that will enable call evaluator's to easily locate and follow procedures at a glance. These charts will be permanently attached at each work station - both telephone and dispatch.

Memorandum

San Francisco Police Department



TO: Deputy Chief Frank Reed
Administration Bureau

FROM: Captain Thomas P. Donohoe
O.I.C. Communications

DATE: Monday May 16, 1994

UBJ: Status of 911 Audit Recommendations

APPROVED YES NO

J. Reed

In accordance with the attached memo from Mayor Jordan, the following is report on the status of implementing the recommendations contained in Admiral Bitoff's audit of the 911 system.

Recommendation 1:

The Manager of the Civil Service program in the CCSP should take action immediately to change the rules and procedures of the Civil Service in order to hire the most qualified personnel for the center.

Response:

The Police Department agrees with this recommendation and has communicated its needs to the Department of Human Resources. At present, Human Resources has a current eligible list which will expire in May of 1995. At that time Human Resources states that minimum qualifications can be raised with the issuance of a new job announcement. Commissioner Rodriguez of the Police Commission is acting as liaison with the Department of Human Resources to ensure the Police Department's needs are met. Other avenues for hiring are being investigated, such as continuous testing, merging of eligible lists and lateral transfers.

Recommendation 2A:

Reduce the load placed on the HOJ mainframe shared by many users. To eliminate "seizures" and "down time" with which the CAD system is now plagued.

Response:

The Data Center Relocation project is in progress. The CAD system will be located on a dedicated Logical Partition (LPAR) on an upgraded processor which should improve its performance. Completion is anticipated for Mid July 1994.

Recommendation 2B:

Mayors Task Force should work with appropriate City agencies to obtain a "state of the industry" CAD system.

Response:

An RFP is in final stages of preparation for a new CAD system. It will be a dedicated system and will go on line with the completion of the combined 911 facility.

Recommendation 3:

Task Force appointed by Mayor to direct City resources to support a proper, "hardened" location for the 911/Dispatch Center. And to implement a plan for a fully equipped alternate center.

Response:

A project manager has been hired to oversee and coordinate the construction of the combined 911 center to be located on Turk St. With a projected completion date of July 1997. Currently the Northern Police station houses necessary equipment to operate as a 911 center in the event that the HOJ 911 center becomes inoperable. The alternate site at Northern Police station is tested on a quarterly basis.

Recommendation 4A:

The Chief of Police to ensure that only qualified officers are assigned to function as 911 Call Evaluators and that all newly appointed sergeants serve an initial tour in communications.

Response:

In compliance with the Budget Analyst report, there are no longer any sworn members assigned to the communications division. The exception is Captain Thomas Donohoe who functions in an administrative capacity. This position is anticipated to be replaced with a civilian director to complete the civilianization of the unit.

Recommendation 4B:

Task Force chaired by Mayor to study options for the organization, location, structure, staffing and departmental responsibility of the 911 center.

Response:

Basic outline for new facility has been adopted and is now a ballot issue in order to obtain funding for construction.

Recommendation 5:

Chief of Police should take action to initiate publication of printed standards, procedures and protocols for the efficient operation of the

esponse:

comprehensive operations manual is in final stages of discussion prior to implementation with Union local 790. Anticipated distribution is June 1, 1994. As staffing permits, ongoing in-service training is provided through the squad system.

ecommendation 6A:

hief of Police to ensure that all Officers of the department recognize that the "voice of dispatch is the voice of the Chief." And that members are held accountable for acts of rudeness.

esponse:

partment bulletins issued by The Chief of Police designate communications as the "Voice of the Chief" and directs prompt compliance with dispatchers. Term "dispatch" is no longer used when contacting the communications center. "Headquarters" is now designated to further illustrate authority.

ecommendation 6B:

hief to ensure that Officers assigned to Communications trained to evaluate both 911 and non-emergency calls. Also to assign a Senior Officer to respond to communications in event of a critical incident to ensure that all appropriate procedures are followed.

esponse:

he Captain of the division is the only sworn member assigned. Officers are no longer utilized in the communications division. Protocol is in place for a tactical officer to respond to communications to assist during critical incidents. This procedure has been activated several times with successful results.

ecommendation 6C:

hief to ensure that all directives and orders ensure that training at all levels reaffirms that the "Voice of Dispatch is the Voice of the Chief."

esponse:

s stated in 6A this has been accomplished. Training at the Police Academy also reflects this information for new dispatch recruits.

ecommendation 6D:

at each shift have two supervisors on the floor at all times. One a civilian and the second being a sworn sergeant. Also that supervisors relieved of unnecessary time consuming payroll duties.

Response:

As stated in previous responses the department disagrees with Sworn Sergeants acting as supervisors in communications. Sworn members are needed on the street and civilianizing of the unit was a major goal of the budget analysts report which has been met. With the promotion of dispatchers to the position of supervisor there is always a minimum of two supervisors on duty at all times. Paperwork has been streamlined and payroll duties are not required of supervisory personnel.

Recommendation 7A:

Secure funding for Training from State Sources as well as Pacific Bell.

Response:

All ranks of personnel assigned to communications are included in the Department Training Plan for FY 94/95. AT & T has provided training to management staff, with further training anticipated when funds are available.

Recommendation 7B:

Encouragement of Ride-a-long program.

Response:

When staffing permits, veteran dispatchers are encouraged to participate in ride-a-longs. All eight POST certified classes have been involved in ride-a-longs as part of their initial training phase.

Recommendation 8:

Establish an absence management program.

Response:

Absences due to sick leave have decreased due to a cooperative effort between management and Local 790. Ergonomic training and equipment has reduced the number of workers compensation claims in the last year.

Recommendation 9:

Uniform and consistent enforcement of discipline.

Response:

Discipline is fairly, consistently and uniformly enforced by all supervisory personnel.

Recommendation 10:

Education of Public on proper use of 911. Advocate telephone companies to change information in phone books on use of system and offer alternative non emergency services.

Response:

Project SAFE has initiated a continuous program to educate the public regarding proper use of 911. Pacific Bell has agreed to change pages in phone book dealing with 911 to further assist in public education and awareness.

Recommendation 11:

Improve Security for the Communications Center.

Response:

The Department has installed a card key entry system to communications. Personal identification entry codes are required which generate a computer record. Personal alarms have been given to all members for use when entering and exiting the HOJ.

Recommendation 12A:

Radio Frequency clarification for critical incidents to prevent interference.

Response:

D of E has determined appropriate pic channels to be utilized according to geographic areas in the city to minimize interference and maximize clarity of broadcasting and reception.

Recommendation 12B:

Promote adoption of 800 Megahertz Radio System.

Response:

The Police Department fully supports the purchase and implementation of an 800 Megahertz system.

Recommendation 12C:

on interference of pic channels by athletic events.

esponse:

Dispatchers in the radio room have complete control over priority usage of any and all pic broadcasts during special events.

Recommendation 13:

Implement efficient means of recognition and award of outstanding Dispatchers.

Response:

Guidelines are in place for the monthly, quarterly and yearly nominations of dispatchers to be recognized for outstanding work. Recipients are honored by the Friends of the Police.

Recommendation 14:

Quality Control...

Response:

Supervisors currently monitor phone and radio performance of squad members. This is documented on observation forms developed as job specific to the 8238 classification. These observations are reviewed with the member and appropriate retraining or counselling is provided where deficiencies are noted. Reports are kept on file to assist in the members annual personnel evaluation.

Recommendation 15:

Two supervisors on floor at all times.

Response:

With the promotions from rank of 8238 to supervisor, this goal has been achieved.

Recommendation 16:

Provide training in listening to, transcribing and evaluating information received from callers.

Response:

Academy training in call evaluation is extensive and employs simulations for the dispatch trainee. Veteran members with deficiencies in this area are identified through the quality assurance program and retrained accordingly.

Recommendations 17-21:

All of these recommendations have been implemented. Those that were not already policy have been added to the new operations manual.

recommendation 22:

require that management and higher level Supervisory staff possess a reasonable level of formal administrative and personnel management education and experience as a condition of employment.

response:

The Police Department secured these prerequisites at the Civil Service Commission Hearing on September 20, 1993.

recommendation 23:

replace current CAD system with a current non shared system.

response:

new CAD system will go on line with the combined center. As stated in the response to recommendation number 2A, the current CAD system should function much more efficiently as a result of the data center relocation project.

recommendation 24:

employ tactical officer to Communications in the event of critical/tactical incidents.

response:

As stated in response to 6B, this has been successfully implemented.

recommendation 25:

afford Call Evaluators and Dispatchers the same access to post-incident stress reduction counselling as police.

response:

Post incident stress reduction is available to dispatchers. Two dispatchers have been certified and trained as C.I.R.T. (critical incident response team) members to handle any incidents of this nature.

recommendation 26:

If officers are assigned to communications, that they be afforded training to ensure the same level of skill as civilian staff.

response:

Officers are not and will not be assigned to dispatch duties.

Attachment II
Page 8 of 8

Recommendation 27:

Change directory page in the manner indicated by sample on following page.

Response:

Pacific Bell has agreed to change the pages in the phone directory that address 911 issues.

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HEALTH, PUBLIC SAFETY & ENVIRONMENT COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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REGULAR MEETING

TUESDAY, SEPTEMBER 13, 1994, 10:00 A.M.

CITY HALL, ROOM 228
SAN FRANCISCO, CA 94102

MEMBERS: Supervisors Kevin Shelley, Terence Hallinan, Susan Leal

CLERK: Gregoire Hobson

* * * * *

Disability Access

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For a large print copy of an agenda, contact Moe Vazquez at (415) 554-4909.

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1. File 60-94-13. [State Ballot, Opposing Save Our State Initiative] Resolution opposing the Save Our State Ballot Initiative and urging the Mayor to oppose this measure and to educate the electorate of San Francisco about this measure's negative impacts on the City and County of San Francisco. (Supervisors Leal, Hsieh, Alioto, Bierman, Conroy, Shelley)

ACTION:

2. File 252-94-3. [Environmental State of City Report] Hearing to consider the Commission on the Environment's Environmental State of the City Report. (Supervisor Shelley)

ACTION:

3. File 288-94-1. [Saint Luke's Hospital] Resolution opposing the closure of vital services at Saint Luke's Hospital and requesting the Board of Supervisors to conduct hearings to assess the impact such closure had on the health and safety of the Mission District community. (Supervisors Bierman and Alioto)

ACTION:

4. File 207-94-10. [Police Raids, South of Market District] Hearing to consider the recent Police Department raids and policies on nighttime establishments in the South of Market District. (Supervisors Hallinan and Alioto)

ACTION:

HEALTH, PUBLIC SAFETY AND

ENVIRONMENT COMMITTEE
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ROOM 235, CITY HALL
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TUESDAY, SEPTEMBER 13, 1994, 10:00 A.M. CITY HALL, ROOM 228
SAN FRANCISCO, CA 94102

MEMBERS: Supervisors Kevin Sheiley, Terence Hallinan, Susan Leal

CLERK: Gregoire Hobson

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ADDENDUM CALENDAR

5. File 30-94-21. [Substance Abuse Prevention Department/Commission] Hearing to consider the creation of a Substance Abuse Prevention Department and Commission. (Supervisor Alioto)

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September 9, 1994

TO: Health, Public Safety and Environment Committee
FROM: Budget Analyst *Recommendation*
SUBJECT: September 13, 1994 Health, Public Safety and Environment Committee Meeting

Item 2 - File 252-94-3

1. This item is a hearing to consider the Environmental State of the City Report, published by the Commission on San Francisco's Environment.
2. The Commission on San Francisco's Environment is a fifteen-member advisory Commission formed to develop plans and strategies for moving San Francisco towards environmental sustainability. Commissioners are all volunteers--one appointed by each Supervisor and four appointed by the Board to serve at-large. Additionally, four non-voting ex-officio members of the Commission are appointed one each by the Mayor, Chief Administrative Officer, Department of Planning, and Department of Health.
3. The Commission published the Environmental State of the City Report, an overview document on San Francisco's environment, in July 1994. The report is the product of hundreds of hours of volunteer effort by Commissioners, outside experts, and City staff. The Environmental State of the City Report has been reviewed for accuracy by staff of the Department of City Planning and by other City and regional agencies.
4. The Commission's next task is to develop an overall plan for bringing San Francisco closer to environmental sustainability which will be recommended to the Board of Supervisors. As part of that planning process, the Commission is now beginning to develop goals and strategies for the City's environmental future.

Memo to Health, Public Safety and Environment Committee
September 13, 1994 Health, Public Safety and Environment Committee Meeting

5. A series of hearings will be held by the Commission beginning on September 13 to solicit public opinion on: a) strategies for making San Francisco environmentally sustainable, b) what the City's environmental priorities should be, and c) reaction to the Commission's Environmental State of the City Report. The hearings will deal with specific environmental issues addressed by the Commission as follows:

September 13	Energy Conservation
September 27	Air Quality
October 11	Hazardous Materials
October 25	Open Space
November 8	Solid Waste
November 22	Transportation
December 13	Waste and Wastewater

6. The Environmental State of the City Report is to serve as a baseline informational document for the plan being developed by the Commission. The report is divided into the topics listed above. Each section outlines the Commission's broad vision of a sustainable approach in that issue area, gives text, statistics and tables assessing the current situation in San Francisco, summarizes the City's environmental program(s), lists and describes relevant local, State and Federal laws and regulatory programs, and notes the corporations and other institutions involved in the pertinent markets and regulatory settings. Most sections contain information comparing San Francisco to other cities. Some sections contain a conclusion or preliminary policy recommendations for the City. Appendices give further information, statistical data, tables, maps and graphics. The report concludes with a listing of the backgrounds and affiliations of the report's authors and a statement of the Commission's overall mission.

7. The following are highlights of the Environmental State of the City Report:

A. Solid Waste. Recycling has been accepted by many residents and businesses in San Francisco, with the City diverting approximately 35% of its waste away from landfills. Nevertheless, waste generation is still higher than in other cities--7.5 lbs per person per day, with 5 lbs per person per day the national average. San Francisco currently pays well below the State average in disposal fees (\$8/ton vs. \$30/ ton State average). Yet even under a scenario of high recycling (50% or more) and no residential growth, disposal costs will rise rapidly and the City will run through the currently available landfill space at Altamont by 2015. In particular, the City must focus on source reduction and on reducing and recycling organic wastes.

B. Energy. Energy use per capita in San Francisco is high, and it is expensive. Over \$800 million is spent annually in the City on energy. While renewable energy sources are used in some cases, most of the City's consumption is of non-renewable fuels such as gasoline and natural gas. The report shows that both the health and economic costs

of energy use fall disproportionately on low-income and minority communities.

C. Hazardous Waste Management. The City needs to continue to work on reducing risk and exposure to hazardous waste in residential and commercial settings. Among the most serious hazardous waste problems in the City are "toxic hot spots" in current or former military sites. Cleanup of these sites is expensive and can greatly delay other projects such as the development of affordable housing. Illegal dumping of recyclable waste products such as used motor oil is an ongoing problem.

D. Water and Wastewater. San Francisco is ahead of other West Coast cities on such issues as collection and treatment of stormwater runoff, drinking water quality, and requiring water conserving-appliances in new construction. Insuring adequate freshwater supplies to San Francisco and the region is a chronic problem, yet when drought conditions temporarily lessen, financial and other support for water conservation programs tend to drop. The City needs to address specific issues such as wastewater overflows into Islais Creek.

E. Open Space. Most of San Francisco's native plant and animal species are declining and need care, with little native habitat remaining and/or available. More public funding is needed for acquisition and restoration of remaining open spaces. San Francisco meets only 40% of the recommended national standard of 200 street trees per mile.

F. Air Quality. Overall air quality in the City is good primarily due to prevailing offshore winds which push pollutants east--the City has met Federal air quality standards consistently for several years. The City experiences air pollution from dust, industrial production, and volatile organic compounds, but San Francisco's major air quality problem is vehicle exhaust. Vehicle exhaust both contributes to regional pollution and creates local "hot spots"--congested intersections and neighborhoods where vehicle exhaust is a health threat. Limiting vehicle pollution remains a major air quality challenge for the City.

G. Transportation and Noise. While the City operates an extensive mass transit network, it is frequently criticized as unreliable and dangerous. In addition, San Francisco faces a larger transportation crisis stemming from the space demand, noise, pollution and other dangers associated with extreme traffic congestion in many parts of the City and its approaches. The City has inadequate provisions for pedestrians and bicyclists.

Memo to Health, Public Safety and Environment Committee
September 13, 1994 Health, Public Safety and Environment Committee Meeting

Comments:

1. Publication of The Environmental State of the City Report and other activities of the Commission on San Francisco's Environment do not have a direct fiscal impact on the City of and by themselves. However the goals and strategies being developed by the Commission, if accepted by the Board of Supervisors, will have both short and long-term fiscal implications for San Francisco.
2. Many different types of environmental programs such as toxic waste site cleanup, transportation planning, open space acquisition, lead abatement and others are supported by grant funding from State, regional and Federal sources. Outside sources of funding often require local match monies and/or staff and program administration from the receiving city. In addition, some environmental goals and programs represent potential revenue sources and/or cost savings for San Francisco. Energy and resource conservation programs, for example, can cut the City's operating costs significantly, and markets for recycled materials are developing.
3. At this time, the Environmental State of the City Report does not contain any specific cost or revenue estimates.

Memo to Health, Public Safety and Environment Committee
September 13, 1994 Health, Public Safety and Environment Committee Meeting

Item 4 - File 207-94-10

Department: Police Department

Item: Hearing to consider the recent San Francisco Police Department raids and policies on nighttime establishments in the South of Market District.

Description: According to Captain Michael Yalon of the Southern District Police Station, the Police Department routinely conducts weekly inspections of nighttime establishments throughout the City, including bars and nightclubs, as required by law. Captain Yalon advises that these weekly inspections have been occurring for many years and take place primarily on weekend nights, when such establishments are the busiest. In addition, Captain Yalon reports that these inspections are usually in response to telephone calls from the establishments regarding problems occurring in the nightclub. The purpose of these inspections is to ensure that nighttime establishments are complying with State and local laws regarding the sale and consumption of alcohol and that these establishments are safe for their patrons. Captain Yalon advises that because the South of Market District, with approximately 52 bars and nightclubs, has the largest concentration of nighttime establishments in the City, many of the inspections occur in this District.

Captain Yalon reports that during the months of July and August, for the first time in several years, the California Alcoholic Beverage Commission (CABC) assisted the Southern District Police Officers in conducting the weekly inspections of nighttime establishments. The California Alcoholic Beverage Commission is the State agency responsible for issuing liquor licenses and enforcing laws regarding the sale and consumption of alcohol. Captain Yalon states that CABC has just recently increased its presence in San Francisco because of the increasing incidence of shootings, gang-related activities and other violent incidents in San Francisco's nightclubs and bars.

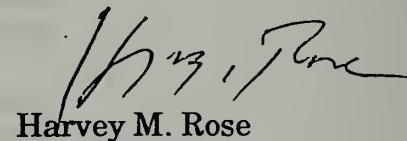
According to Captain Yalon, the CABC task force, which accompanied the Southern District Police Officers in performing inspections, issued numerous citations during July and August for underage drinking and the improper use of a liquor license, at several South of Market District nighttime establishments. Captain Yalon advises that these inspections are part of the regular, budgeted patrol activities of the Police Department and that the City did not incur any

Memo to Health, Public Safety and Environment Committee
September 13, 1994 Health, Public Safety and Environment Committee Meeting

additional costs resulting from the presence of the CABC task force during the inspections of nighttime establishments.

Captain Yalon reports that funding for the inspections of nighttime establishments is included in the Police Department's annual budget. There is one Sergeant assigned as the nightclub liaison each weekend night in the Southern District Police Station. This Sergeant is responsible for deploying Police Officers to inspect nighttime establishments in response to telephone calls from nightclubs concerning violence, overcrowding or other problems in the nightclub. Captain Yalon advises that the number of Police Officers deployed depends on the severity of the problem, and can range anywhere between one and 50 Police Officers. Captain Yalon further advises that in responding to such telephone calls from nightclubs, Police Officers are able to inspect the majority of the nighttime establishments in the South of Market District on any given weekend.

According to the Office of the Sponsor of the proposed hearing, several owners and patrons of the nighttime establishments in the South of Market District have complained about the manner and frequency with which the Police Department has conducted inspections of such establishments, citing that the Police Department has caused disturbances in several nightclubs.



Harvey M. Rose

cc: Supervisor Shelley
Supervisor Hallinan
Supervisor Leal
President Alioto
Supervisor Bierman
Supervisor Conroy
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Maher
Supervisor Migden
Clerk of the Board
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ADDENDUM CALENDAR
REGULAR MEETING

TUESDAY, SEPTEMBER 27, 1994, 10:00 A.M.

CITY HALL, ROOM 228
SAN FRANCISCO, CA 94102

MEMBERS: Supervisors Kevin Shelley, Terence Hallinan, Susan Leal

CLERK: Gregoire Hobson

* * * * *

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1. File 207-94-10. [Police Raids, South of Market District] Hearing to consider the recent Police Department raids and policies on nighttime establishments in the South of Market District. (Supervisors Hallinan and Alioto)

(Consideration continued from 9/13/94)

ACTION:

2. File 97-94-58. [HIV Epidemic Joint Task Force, Extend Term] Ordinance amending Chapter V of the San Francisco Administrative Code by amending Article XVII, Section 5.165 thereof, extending the term of the Joint Task Force on the HIV Epidemic to January 1, 1995. (Supervisor Kaufman)

ACTION:

3. File 108-94-4.1. [HIV/AIDS Five Year Housing Plan] Hearing to consider the implementation of San Francisco's Five Year HIV/AIDS Housing Plan by the San Francisco's Redevelopment Agency and the City's AIDS Office and programs under the Housing Opportunities for People with AIDS (HOPWA) program. (Supervisors Leal and Alioto)

ACTION:

ADDENDUM CALENDAR

4. File 93-94-30. [MOU, Alternative Fuel Vehicles] Resolution approving a Memorandum of Understanding in support of a regional, coordinated effort to promote the use of alternative fuel vehicles, and the establishment of refueling sites and servicing facilities. (Chief Administrative Officer)

ACTION:

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September 23, 1994

TO: ~~Health, Public Safety and Environment Committee~~

FROM: ~~Budget Analyst~~

SUBJECT: ~~September 27, 1994 Health, Public Safety and Environment Committee Meeting~~

Item 1 - File 207-94-10

Note: This item was continued at the September 13, 1994 Health, Public Safety and Environment Committee Meeting.

Department: Police Department

Item: Hearing to consider the recent San Francisco Police Department raids and policies on nighttime establishments in the South of Market District.

Description: According to Captain Michael Yalon of the Southern District Police Station, the Police Department routinely conducts weekly inspections of nighttime establishments throughout the City, including bars and nightclubs, as required by law. Captain Yalon advises that these weekly inspections have been occurring for many years and take place primarily on weekend nights, when such establishments are the busiest. In addition, Captain Yalon reports that these inspections are usually in response to telephone calls from the establishments regarding problems occurring in the nightclub. The purpose of these inspections is to ensure that nighttime establishments are complying with State and local laws regarding the sale and consumption of alcohol and that these establishments are safe for their patrons. Captain

Memo to Health, Public Safety and Environment Committee
September 27, 1994 Health, Public Safety and Environment Committee Meeting

Yalon advises that because the South of Market District, with approximately 52 bars and nightclubs, has the largest concentration of nighttime establishments in the City, many of the inspections occur in this District.

Captain Yalon reports that during the months of July and August, for the first time in several years, the California Alcoholic Beverage Commission (CABC) assisted the Southern District Police Officers in conducting the weekly inspections of nighttime establishments. The California Alcoholic Beverage Commission is the State agency responsible for issuing liquor licenses and enforcing laws regarding the sale and consumption of alcohol. Captain Yalon states that CABC has just recently increased its presence in San Francisco because of the increasing incidence of shootings, gang-related activities and other violent incidents in San Francisco's nightclubs and bars.

According to Captain Yalon, the CABC task force, which accompanied the Southern District Police Officers in performing inspections, issued numerous citations during July and August for underage drinking and the improper use of a liquor license, at several South of Market District nighttime establishments. Captain Yalon advises that these inspections are part of the regular, budgeted patrol activities of the Police Department and that the City did not incur any additional costs resulting from the presence of the CABC task force during the inspections of nighttime establishments.

Captain Yalon reports that funding for the inspections of nighttime establishments is included in the Police Department's annual budget. There is one Sergeant assigned as the nightclub liaison each weekend night in the Southern District Police Station. This Sergeant is responsible for deploying Police Officers to inspect nighttime establishments in response to telephone calls from nightclubs concerning violence, overcrowding or other problems in the nightclub. Captain Yalon advises that the number of Police Officers deployed depends on the severity of the problem, and can range anywhere between one and 50 Police Officers. Captain Yalon further advises that in responding to such telephone calls from nightclubs, Police Officers are able to inspect the majority of the nighttime establishments in the South of Market District on any given weekend.

Memo to Health, Public Safety and Environment Committee
September 27, 1994 Health, Public Safety and Environment Committee Meeting

According to the Office of the Sponsor of the proposed hearing, several owners and patrons of the nighttime establishments in the South of Market District have complained about the manner and frequency with which the Police Department has conducted inspections of such establishments, citing that the Police Department has caused disturbances in several nightclubs.

Memo to Health, Public Safety and Environment Committee
September 27, 1994 Health, Public Safety and Environment Committee Meeting

Item 2 - File 97-94-58

Department: Department of Public Health (DPH)
Joint Task Force on the HIV Epidemic

Item: Ordinance amending Administrative Code by amending Section 5.165 to extend the term of the Joint Task Force on the HIV Epidemic to January 1, 1995.

Description: Article XVII of Chapter 5 of the San Francisco Administrative Code, approved on March 19, 1993 by the Board of Supervisors, established the Joint Task Force on the HIV Epidemic and outlined the Task Force's organization, powers and duties, compensation and termination.

The Joint Task Force on the HIV Epidemic consists of 25 members, including five members representing the Mayor, the President of the Board of Supervisors, the Director of Health, the County Health Officer,¹ and the Director of the AIDS Office. In addition, the eleven members appointed by the Board of Supervisors, eight members appointed by the Mayor and one member appointed by the Health Commission must possess demonstrated abilities or experience in dealing with the AIDS crisis.

Section 5.165 of the Administrative Code provides that the Task Force will cease to exist one year after the date of its first meeting, unless its life is extended by legislation of the Board of Supervisors. The Joint Task Force on the HIV Epidemic had its first meeting in September of 1993. In accordance with Administrative Code Section 5.165, the Task Force was scheduled to terminate in September of 1994.

However, the Administrative Code requires the Task Force to submit a final report, including the Task Force's findings and recommendations, to the Board of Supervisors, the Mayor and the Health Commission prior to the Task Force's termination. In addition, prior to submitting the final report, the Task Force must conduct public hearings on the draft of the final report. The Author's Office advises that the Task Force is still in the process of preparing its final report and must still conduct public hearings on the draft of the report. As such, the proposed ordinance would extend the term of the Joint Task Force on the HIV Epidemic to January 1, 1995, so

¹ The State of California requires each County to have a County Health Officer, who must possess an M.D. According to the AIDS Office of the Department of Public Health (DPH), Dr. Sandra Hernandez, the Director of Health, is also currently acting as the County Health Officer. As such, Dr. Hernandez has designated two persons to act as her representatives on the Task Force.

Memo to Health, Public Safety and Environment Committee
September 27, 1994 Health, Public Safety and Environment Committee Meeting

that there is sufficient time for the Task Force to conduct public hearings and to complete the final report.

The powers and duties of the Joint Task Force on the HIV Epidemic, in addition to submitting a final report and conducting public hearings on the draft of that report, include (1) the preparation and submission to the Board of Supervisors and the Mayor of an annual report on the state of the HIV epidemic, including a review and evaluation of the services and programs available and recommendations as to how to respond to the HIV epidemic; (2) assistance in coordinating information, activities and goals among existing City AIDS/HIV advisory and planning groups; (3) assistance in improving the delivery of and efficiency in the provision of medical services; (4) assistance to the Mayor's Office in organizing official delegations to Washington, D.C. and Sacramento and in expanding public-private partnerships to meet the needs of the HIV epidemic; (5) the preparation and submission of progress reports on the execution of the Task Force's duties to the Mayor, the Board of Supervisors and the Health Commission on a quarterly basis.

Members of the Joint Task Force on the HIV Epidemic are not compensated in any way, nor are they reimbursed for expenses. As such, the proposed ordinance would not result in additional costs to the City.

Recommendation: Approve the proposed ordinance.

Memo to Health, Public Safety and Environment Committee
September 27, 1994 Meeting of Health, Public Safety and Environment Committee

Item 3 - File 108-94-4.1

Item: Hearing to consider the implementation of San Francisco's Five Year HIV/AIDS Housing Plan by the San Francisco Redevelopment Agency and the Department of Public Health (DPH) AIDS Office and programs under the Housing Opportunities for People with AIDS (HOPWA) program.

Description: On May 25, 1994 the Board of Supervisors approved a Five Year HIV/AIDS Housing Plan (Housing Plan) developed primarily by the AIDS Office and the San Francisco Redevelopment Agency. The Housing Plan establishes a broad strategy to expand the availability of long-term housing linked to support services for people with HIV/AIDS. Specifically, the Housing Plan establishes a set of priorities to be used in making decisions allocating the limited funding available for housing programs. Using those funding priorities, the Housing Plan recommends the following substantial changes to the City's current HIV/AIDS housing system:

- a) Focus scarce resources on persons disabled by HIV/AIDS.
- b) Develop programs to provide housing for very low income persons with HIV/AIDS, with special consideration for projects that serve homeless persons.
- c) Progressively convert housing leased by non-profit agencies to owned property in order to ensure long term availability and affordability.
- d) Establish centralized access to housing resources in order to make access more equitable.

The programs in the Housing Plan are funded through a variety of state and federal grants. Of all the grants received by the City for AIDS housing programs by far the largest is granted through the Redevelopment Agency from the Federal Department of Housing and Urban Development's (HUD) Housing Opportunities for People with AIDS (HOPWA) Program. The main HOPWA grant is a formula based entitlement, with cities being allocated funding based on the cumulative number of AIDS cases in the metropolitan area. In Fiscal Year 1993-94, San Francisco received an estimated \$5.6 million under this grant, and the City expects to receive an estimated \$10 million in 1994-95.

San Francisco's Five Year HIV/AIDS Housing Plan recommends that HOPWA funds be split in the following way: 64 to 74 percent for acquisition and rehabilitation of buildings, 15 to 20 percent for rental subsidies, 15 percent for housing support services such as case management, and a small amount for technical assistance to housing providers.

HOPWA Housing Development and Support Services

The Redevelopment Agency has awarded a total of over \$8 million in HOPWA funding in the past two years for the acquisition and construction of approximately 130 units of HIV/AIDS housing in addition to rental assistance and supportive services. Mr. Jack Roberston of the Redevelopment Agency states that a Notice of Funding Availability totalling approximately \$6 to \$7 million for the 1994-95 HOPWA construction/acquisition grants and support funding will be issued in November of this year.

Given the time required for acquiring and renovating buildings, capital projects do not actually house people until approximately two and one-half years after the grant allocation is awarded. Over the five years of San Francisco's HIV/AIDS Housing Plan, 260 new units will be acquired or built and 115 currently leased beds will be converted to non-profit ownership, for a total of 375 units.

HOPWA Rental Assistance

In accordance with the Five Year HIV/AIDS Housing Plan, 20 percent of San Francisco's HOPWA funding for Fiscal Year 1994-95 or approximately \$2 million is targeted for rental subsidies. These funds represent a considerable expansion of the rental subsidy program since it began in 1992.

From 1992 to the present, HOPWA provided supportive services for 86 rental subsidies. The 1994-95 funding is expected to serve 225 to 325 persons annually, depending on the household sizes served. The Redevelopment Agency has developed a Program Administration agreement with the Housing Authority to administer payment of the new and expanded program funds, and processes for client intake are being developed by the Redevelopment Agency and the AIDS Office as detailed below.

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The Centralized Housing Information and Placement System (CHIPS)

According to Ms. Kandace Collins of the AIDS Office, housing for people with HIV/AIDS in the City has historically been provided by private non-profit agencies under contract to the AIDS Office. Each provider operates different types of programs and housing facilities and does their own outreach, case management, waiting list, and matching process. As a result, clients seeking housing face an array of different application processes set up by the various providers or programs. In addition, clients whose housing needs are very specific or whose needs change while they are on a waiting list might not be able to be appropriately matched when housing becomes available.

In accordance with the new Five Year HIV/AIDS Housing Plan, the AIDS Office is working to change that system during 1994-95 to create a uniform housing application process and a combined database matching clients to housing availability citywide. For this purpose, the AIDS Office has convened an advisory group with service providers, clients and others to give guidance in creating and implementing the system, which will be known as Centralized Housing Information and Placement System (CHIPS).

While the CHIPS system will centralize housing information and applications, it will operate with decentralized intake sites. There will be multiple dispersed intake sites around the City through the offices of a variety of AIDS and other service organizations. Clients citywide will go through an intake interview with a caseworker/housing advocate who will help determine and verify their eligibility, put them on the housing database, and be responsible for followup. The AIDS Office has contracted for a software system designed specifically for this purpose, and has selected Independent Housing Services (IHS) to run the system. Through the database, IHS will know on a daily basis what bed slots are available, and whom is waiting for services of what type.

The CHIPS system is also being designed to meet the HUD fair housing standards as required by the HOPWA regulations. Those standards require that housing programs be widely advertised, available to all sectors of the community, and that intake procedures do not discriminate. All housing providers receiving HOPWA funding and clients will be required to participate in the

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CHIPS program. While adherence to HUD fair housing standards is not required by State funded AIDS housing programs, San Francisco will require all providers to participate in CHIPS, even those receiving only State or local funding. The goal of the AIDS Office in this area is to give all clients seeking housing the same quality of service, regardless of the funding source.

Ms. Collins states that the AIDS Office is also creating an initial intake process to handle the estimated 500 to 800 clients who are expected to apply for housing as soon as the centralized application process goes into effect and the new rental subsidies are available. This initial intake process will be jointly run by the AIDS Office and the Redevelopment Agency, will utilize at least three sites in the City, and will be a one-time only operation, after which intake will be done under the CHIPS system. Ms. Collins believes that the initial enrollment process will occur in October and that the CHIPS system administered by IHS will be running by November. HOPWA rent subsidies would then be available by Christmas of 1994.

Memo to Health, Public Safety and Environment Committee
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Item 4 - File 93-94-30

Department: Chief Administrative Officer (CAO)

Item: Resolution approving a Memorandum of Understanding in support of a regional, coordinated effort to promote the use of alternative fuel vehicles, and the establishment of refueling sites and servicing facilities.

Description: The proposed resolution would approve a Memorandum of Understanding (MOU) among the City and County of San Francisco (including MUNI, the Water Department and the Airport), the Community College of San Francisco, the San Francisco County Transportation Authority, the Bay Area Air Quality Management District, the National Park Service, the Bay Area Clean Air Coalition, Norcal Waste Systems, United Airlines, Olympian Oil Company and Pacific Gas and Electric to promote alternative fuel vehicles (AFVs) in the Bay Area.

Alternative fuel vehicles are transportation vehicles of all types which are powered by a fuel other than gasoline or diesel oil. The most common fuels in this developing area are compressed natural gas, electricity and propane. Both Federal and State laws and regulations support the development and use of alternative fuel vehicles as a part of the effort to curb oil use and air pollution nationwide.

The proposed MOU commits the signatories to work together to facilitate AFV use in the Bay Area through purchasing AFVs, developing fueling sites and servicing facilities, and educating the public about the energy and clean air benefits of AFVs.

The proposed MOU does not create any contractual obligations for the City and can be terminated at any time through providing written notice to all signing parties. The proposed MOU will become effective upon signature and remain in effect for 5 years.

Comments:

1. San Francisco, through the Chief Administrative Officer and the City's Central Shops Division of the Purchasing Department, has developed an Alternative Fuel Vehicle program (AFV). To date, Central shops has placed in City service 12 vehicles using compressed natural gas (CNG), one electric vehicle, and approximately 35 vehicles using propane. These vehicles are used by the Mayor's Office, and the Departments of the CAO, City Librarian, District Attorney, Sheriff, and Public Works. The AFV program

Memo to Health, Public Safety and Environment Committee
September 27, 1994 Health, Public Safety and Environment Committee Meeting

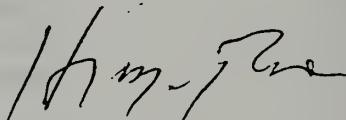
plans to emphasize the development of compressed natural gas vehicles.

2. Since 1991, the City has received approximately \$633,000 in State grant funds for AFVs and for construction of a compressed natural gas fueling station. For fiscal year 1994-95, the City has tentatively been awarded \$575,000 in State grant funds to continue purchasing and converting AFVs.

3. According to Mr. Ara Minasian of the CAO's Office, the City resources devoted to this program are approximately \$10,000, funding the equivalent of 0.1 FTE at the Central Shops Division.

4. The proposed MOU is needed as a part of the City's process of applying for designation as a "*Clean City*" by the U.S. Department of Energy (DOE). The DOE's *Clean Cities* program encourages local governments to voluntarily form public/private partnerships to develop markets for AFVs. The *Clean Cities* program also provides information and technical assistance from the DOE on alternative fuel vehicle (AFV) programs.

Recommendation: Approval of the proposed resolution is a policy matter for the Board of Supervisors.


Harvey M. Rose

cc: Supervisor Shelley
Supervisor Hallinan
Supervisor Leal
President Alioto
Supervisor Bierman
Supervisor Conroy
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Maher
Supervisor Migden
Clerk of the Board
Chief Administrative Officer
Controller
Teresa Serata
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10/11/94

CALENDAR

HEALTH, PUBLIC SAFETY & ENVIRONMENT COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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OCT 11 1994

SAN FRANCISCO
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REGULAR MEETING

TUESDAY, OCTOBER 11, 1994, 10:00 A.M.

CITY HALL, ROOM 228
SAN FRANCISCO, CA 94102

MEMBERS: Supervisors Kevin Shelley, Terence Hallinan, Susan Leal

CLERK: Gregoire Hobson

* * * * *

Disability Access

The Board of Supervisors Committee Meeting Room (228) and the Legislative Chamber of the Board are on the second floor of City Hall.



Both the Committee Room and the Chamber are wheelchair accessible. The closest accessible BART Station is Civic Center, 2 1/2 blocks from City Hall. Accessible MUNI line serving this location is the #42 Downtown Loop as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.



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The following services are available on request 72 hours prior to the meeting or hearing:

For American sign language interpreters or the use of a reader during a meeting, contact Violeta Mosuela at (415) 554-7704.
For a large print copy of an agenda, contact Moe Vazquez at (415) 554-4909.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

1. File 123-94-2. [Locking Garbage/Refuse Receptacles] Ordinance amending Public Works Code Section 170, by adding a new subsection (b) authorizing the Director of Public Works to require locks on refuse containers of commercial establishments in areas open to the public. (Supervisors Shelley, Alioto)

ACTION:

2. File 123-94-3. [Sidewalk Cleaning Required] Ordinance amending Public Works Code, Section 174, to specify that stains and accumulated grime on sidewalks are a nuisance. (Supervisors Shelley, Alioto)

ACTION:

3. File 123-94-4. [Sidewalk Cleanliness Responsibility] Ordinance amending Public Works Code, Sections 174, 174.1, 174.2, 174.3, 174.4 and 174.5 to require that businesses occupying property abutting a public right-of-way maintain said public right-of-way in a clean state. (Supervisors Shelley, Alioto)

ACTION:

4. File 127-94-11. [Business Registration Certificate, Clean Sidewalks] Ordinance amending Article 12.5, Part III of the San Francisco Municipal Code by amending Section 1007, to prohibit the Tax Collector from issuing or renewing Business Registration Certificates where costs and/or charges were assessed under the Public Works Code against a person who failed to abate a nuisance regarding litter or cleanliness of an abutting sidewalk or public right-of-way. (Supervisors Shelley, Alioto)

ACTION:

5. File 7-94-14. [Americans With Disabilities Act Compliance, MUNI] Hearing to consider Municipal Railway's compliance with the Americans Disabilities Act requirements. (Supervisor Leal)

ACTION:

6. File 252-94-3.1. [Toxic Waste Sites] Hearing to consider the status and assessment of suspect toxic waste sites in San Francisco as referenced in the Commission on San Francisco's Environment's "Environmental State of the City Report", including but not limited to, utility plant sites and underground storage tanks. (Supervisors Shelley, Alioto)

ACTION:

7. File 119-94-1. [Park Code Amendment, Yerba Buena Gardens] Substitute DRAFT ordinance amending the Park Code by amending Section 2.01 and adding a new Article 10, Sections 10.01, 10.02, 10.03 and 10.04, extending the Park Code with certain modifications to Yerba Buena Gardens and authorizing the Redevelopment Agency to set rules and issue permits for Yerba Buena Gardens. (Supervisor Bierman)

ACTION:

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HEALTH, PUBLIC SAFETY AND
ENVIRONMENT COMMITTEE
BOARD OF SUPERVISORS
ROOM 235, CITY HALL
SAN FRANCISCO, CA 94102

**IMPORTANT
HEARING NOTICE**

CITY AND COUNTY



OF SAN FRANCISCO

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OCT 12 1994

BOARD OF SUPERVISORS

BUDGET ANALYST

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October 7, 1994

TO: Health, Public Safety and Environment Committee

FROM: Budget Analyst

SUBJECT: October 11, 1994 Health, Public Safety and Environment Committee Meeting

Items 1, 2, 3 and 4 - Files 123-94-2, 123-94-3, 123-94-4 and 127-94-11

Department: Department of Public Works (DPW)

Items: **File 123-94-2** - Ordinance amending Public Works Code Section 170 by adding a new subsection (b), which would authorize the Director of Public Works to require locks on the refuse containers of commercial establishments in areas open to the public.

File 123-94-3¹ - Ordinance amending Public Works Code Section 174 to specify that stains and accumulated grime on sidewalks are a nuisance.

File 123-94-4 - Ordinance amending Public Works Code Sections 174, 174.1, 174.2, 174.3, 174.4 and 174.5 to require that businesses occupying property which abuts a public right-of-way maintain said public right-of-way in a clean state.

File 127-94-11 - Ordinance amending Part III of the Municipal Code, Section 1007, to prohibit the Tax Collector from issuing or renewing business registration certificates

¹ According to the Author's Office, this item is being tabled because it duplicates an amendment already included in File 123-94-4.

where unpaid costs and/or charges were assessed under the Public Works Code against a person who failed to abate a nuisance regarding litter or cleanliness of an abutting sidewalk or public right-of-way.

Description:

File 123-94-2

Section 170 of the Public Works Code currently provides that no commercial establishment is permitted to place trash receptacles on the sidewalk or other pedestrian right-of-way, except on the day that the trash is scheduled to be collected, or no earlier than 6 p.m. on the day prior to the day of scheduled trash collection. Section 170 further provides that the commercial establishment must remove the trash receptacle from the pedestrian right-of-way immediately following the collection of trash.

The proposed ordinance would add Subsection (b) to Section 170 of the Public Works Code to authorize the Director of Public Works to direct commercial establishments to securely lock trash receptacles in areas with high litter concentrations in order to prevent access to the contents of the receptacle by someone other than the trash collector. Any commercial establishment that fails to comply with such notice from the Director of Public Works would be subject to a civil penalty of \$200, as set forth in Public Works Code Section 174.2.

File 123-94-4

Article 15.1, Section 174 of the Public Works Code currently defines a nuisance as the accumulation of filth, garbage, decaying animal or vegetable matter, waste paper, hay, grass, straw, weeds, vegetation overgrowth, litter, trash, unsanitary debris, waste material, animal or human excrement, or any other matter that constitutes a threat to public health and safety. The proposed ordinance would amend Section 174 to also include stains, marks or grime caused by oil and other wastes absorbed or compressed into the surface as nuisances, and would hold the owner or the occupant of the premises nearest the public right-of-way liable for the cleanliness of said public right-of-way.

Article 15.1, Sections 174.1, 174.2, 174.3, 174.4 and 174.5 of the Public Works Code currently hold only the property owner responsible for the cleanliness of a pedestrian right-of-way adjacent to his or her property. The proposed ordinance would also amend the foregoing sections of the Public Works Code by requiring that both business occupants and property owners maintain the cleanliness of public sidewalks which border their property. The proposed ordinance would

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BUDGET ANALYST

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authorize the Department of Public Works (DPW) to cite either or both the property owner and the business occupant for failing to properly maintain pedestrian rights-of-way. The proposed ordinance would empower DPW to clean the sidewalk at either the owner's or the business's expense, and both parties would also be subject to fines and penalties for failing to clean sidewalks bordering their property.

Under current law, the Director of Public Works may direct a property owner in writing to abolish, abate and remove any existing nuisances from the pedestrian right-of-way adjacent to the owner's property within seven days of the mailing of the notice. If the property owner fails to abate or remove the nuisance within seven days, DPW is empowered to abate and remove the nuisance itself. The property owner is then charged a \$200 civil penalty and can be fined between \$30 and \$100 for the first offense and between \$100 and \$500 for each following offense for failing to comply with DPW's notice to abate and remove the nuisance. The property owner is also responsible for the costs incurred by DPW to remove and abate the nuisance. If the property owner fails to pay such costs incurred by the City and fails to pay the civil penalty within 30 days after receiving notice of such charges from DPW, the City may impose a lien on the owner's property.

The proposed ordinance would authorize the Director of Public Works to send a written notice to the business occupant in addition to or instead of just the property owner in order to direct the business occupant to remove or abate a nuisance from a pedestrian right-of-way adjacent to the property within seven days of the mailing of the notice. If the business occupant failed to abate or remove the nuisance within seven days, DPW would be empowered to abate and remove the nuisance itself. The business occupant would then be charged a \$200 civil penalty and could be fined between \$30 and \$100 for the first offense and between \$100 and \$500 for each following offense for failing to comply with DPW's notice to abate and remove the nuisance. The business occupant would also be responsible for the costs incurred by DPW to remove and abate the nuisance. If the business occupant failed to pay such costs incurred by the City and the civil penalty within 30 days after the mailing of the notice informing the business occupant of such obligations, DPW could restrict the issuance and renewal of business registration certificates to the business.

File 127-94-11

Section 1007 of Article 12.5 of Part III of the Municipal Code describes the procedure for applying for and obtaining a business registration certificate from the Tax Collector. Under current law, the Tax Collector must determine whether the applicant has paid all outstanding business taxes, payroll expense taxes and other taxes and license fees owed to the City prior to issuing a registration certificate. A registration certificate cannot be issued until all taxes and license fees are paid to the City.

The proposed ordinance would amend Section 1007 to prohibit the Tax Collector from issuing or renewing registration certificates to those businesses which also have unpaid charges and/or costs as a result of failure to respond to DPW's notice to clean a pedestrian right-of-way. In addition, the proposed ordinance would correct a typographical error which currently appears in Section 1007.

Comments:

1. According to Mr. John Roumbanis of the DPW's Bureau of Street and Environmental Services, given the way Section 174 of the Public Works Code is currently drafted, DPW believes that the legislation is too broad in nature and lacks specificity. As such, DPW has not enforced this legislation (see attached memo from Mr. Roumbanis) and no citations have been issued to date under Public Works Code Section 174 to penalize property owners for failing to abate or remove nuisances from pedestrian rights-of-way adjacent to the owner's property. However, DPW has issued citations in accordance with other existing sections of the Public Works Code, Health Code and Police Code which concern litter abatement. Mr. Roumbanis reports that DPW has issued 303 citations from January through August, 1994 with a total value of \$22,903, in accordance with this other existing legislation.
2. Mr. Roumbanis advises that he believes that the proposed amendments to Section 174 of the Public Works Code (File 123-94-4) does provide the necessary specificity and clarity required for the DPW to issue citations under this amended legislation. As a result, Mr. Roumbanis estimates that the City would realize a slight increase in revenues. However, Mr. Roumbanis advises that the amount of any such additional revenues cannot be determined at this time.
3. Mr. Roumbanis advises that the City would not incur any significant additional costs as a result of the proposed legislation because DPW would use existing staff and

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BUDGET ANALYST

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resources to enforce the provisions of this proposed legislation.

4. The Author's Office advises that an Amendment of the Whole will be submitted at the October 11, 1994 Health, Public Safety and Environment Committee Meeting to correct a typographical error in File 123-94-4 (Item 3).

Recommendations:

1. Table File 123-94-3 (Item 2), as requested by the Office of the Author.
2. Approval of the other three ordinances (Files 123-94-2 - Item 1, 123-94-4 - Item 3 and 127-94-11 - Item 4) is a policy matter for the Board of Supervisors.

City and County of San Francisco

Department of Public Works
Bureau of Street Environmental Services

October 7, 1994

TO: Harvey Rose, Budget Analyst, Board of Supervisors
Attn: Ms. Sandy Brown-Richardson

FROM: *John Roumbanis*, Superintendent

RE: Pending Legislation to Modify Public Works Code Section 174

As requested, below are my statements aimed at clarifying my comments, number 1 and 2, as contained in the October 7, 1994 Draft of the Budget Analyst's Report on File 127-94-11.

Comment 1: The current version of Public Works Code Section 174, in my judgement, is too broad in scope to allow for reasonable enforcement. For instance, the reference to "a threat to public health and safety" would be hard to sell when issuing costly citations. I do believe that the newly revised language provides the specificity and clarity to allow us to do an effective job, as it relates to "any accumulation of filth."

Comment 2. Enforcement of Public Works Code Section 174 will result the issuance of costly citations (\$76) and therefore additional revenues, two reasons:

1. There is a considerable backlog of dirty sidewalks throughout the city that will require the issuance of citations to recalcitrant property owners and tenants in order to achieve compliance.

2. The fact that businesses that are issued citations but do not pay the bail, may run the risk of having their license to operate nullified by the City's Tax Collector. This fact will lead to increased revenues as it is anticipated that more merchants will pay the \$76 penalty.

cc: John E. Cribbs, Director
Scott Shoaf, Deputy Director for Operations

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Item 5 - File 252-94-3.1

Item: Hearing to consider the status and assessment of suspect toxic waste sites in San Francisco as referenced in the Commission on San Francisco's Environment's Environmental State of the City Report including but not limited to utility plant sites and underground storage tanks.

Description: In July of 1994, the Commission on San Francisco's Environment published the Environmental State of the City Report (the Report), a document which is intended to serve as a baseline source of information on San Francisco's environment. The Commission on San Francisco's Environment is a fifteen member advisory group, with Commissioners appointed by and reporting to the Board of Supervisors. Commissioners are not compensated for their service to the City.

The Environmental State of the City Report's chapter on the use and management of hazardous materials (Chapter 3) identifies four areas with major concentrations of toxic waste sites in the City. Three of the four areas are current or former military bases at Hunters Point, the Presidio, and Treasure Island. The fourth is a 325 acre area of Mission Bay owned by Catellus Corporation. Chapter 3 of the Report also discusses a variety of smaller types of sites in the City where toxic waste can be an issue such as medical facilities, auto repair shops, dry cleaning plants, paint businesses, photographic and printing shops, metal plating businesses and bus and taxi companies. Additional potential toxic waste sites are listed in Appendix 5 of the Report, which shows 40 sites identified in a U.S. Environmental Protection Agency database as having had some type of toxic release.

Regulatory authority over toxic waste sites rests primarily with State and Federal agencies. Air and water quality monitoring and permitting are done primarily by the State's Department of Toxic Substances Control, the Regional Water Quality Control Board, and the Bay Area Air Quality Management District. Authority over acute toxic sites such as those at Hunters Point rests primarily with the Federal EPA and with the lead agency in charge of cleanup, which in the case of closed military bases is the Navy or Army.

The City's responsibilities on toxic waste issues include: a) registering, permitting and inspecting businesses that use or store hazardous materials on site, b) monitoring and permitting underground storage tanks (USTs), c) inspecting hazardous waste generators and medical waste generators, d) emergency response coordination in the case of hazardous materials spills, and, e) oversight of the toxic cleanup processes at former military sites and at Mission Bay. The primary City agency in this area is the Department of Public Health's Toxics Bureau.

Buildings located throughout the City including businesses, residences, schools and City property contain underground storage tanks which were or are used to store gasoline, heating oil or other petrochemicals and which may leak, posing a potential toxic threat to groundwater and soil. USTs in the City are monitored and permitted by the Toxics Bureau within the Department of Public Health. According to Mr. Leslie Lum of the Toxics Bureau, since the Bureau began the UST permitting program in 1986, approximately 1,500 permits have been issued to tank operators. In order to obtain a permit, tank operators must control leakage, submit a leak detection and monitoring plan, and by 1998 will be required to upgrade their tanks with strengthened walls or other improvements.

In addition to the 1,500 permitted tanks, there are a large number of USTs which do not have permits and/or are unidentified. According to the Report, estimates of the number of unidentified and abandoned USTs in the City run from 10,000 to as high as 30,000. Mr. Lum reports that the Toxics Bureau has confirmed and identified 2,500 leaking or deteriorated tanks that must be removed. These tanks are now being removed at the rate of approximately 400 per year. Mr. Lum further reports that the Toxics Bureau is concentrating its UST efforts in the western half of the City, where toxic contamination poses a greater threat to groundwater and aquifers.

The Mission Bay area has had railroad and industrial uses since 1860, and is now being proposed for housing and light industrial development by Catellus and the City. An environmental impact study for Mission Bay notes that there are a variety of hazardous wastes on the site, and that the area is likely to be contaminated with solvents, fuels and fuel additives, heavy metals, acids, pesticides, herbicides, asbestos, creosote and PCBs. A plan for cleanup of the area has not yet been developed, but costs are estimated at

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approximately \$30 million. The cleanup of Mission Bay will be conducted under the oversight of the Regional Water Quality Control Board.

As noted above, the Report identifies toxic waste sites on current or former military bases as by far the largest concentration of acute toxic waste hazards in the City. Hunters Point has 11 confirmed toxic sites and 58 other sites still under investigation. Toxics at these sites include leaking USTs, asbestos, radium dials, heavy metals, solvents, PCBs, and cyanide. Cleanup of the Hunters Point area is projected by the Federal government to cost in excess of \$200 million over ten to fifteen years for a complete cleanup. The first priority in this process is the area known as Parcel A which is slated to be cleaned up by end of 1994 for transfer to the City. The cleanup schedule for the remaining Hunters Point sites is still being negotiated.

The Presidio and Treasure Island each experienced decades of industrial-type use by the Army and Navy including activities such as vehicle repair and weapons storage. Both bases are contaminated with oil, solvents, underground tanks, asbestos, lead, and PCBs. The Presidio also had a missile site which may be contaminated with fuel wastes. Cleanup costs at the Presidio are estimated by the Federal government at \$80 million or more. Treasure Island also contains low-level radioactive waste, and cleanup there is estimated at \$26 million or more.

Ms. Sue Cone of the Health Department's Toxics Bureau notes that because the primary jurisdiction for air and water quality, and toxics regulation rests with State or Federal agencies, it is difficult for the City to determine which sites pose a toxic threat, and the extent of that threat. State and Federal agencies are not generally required to inform local governments about toxic hazards, according to Ms. Cone.

According to the Health Department, the City is spending approximately \$1 million annually on the monitoring and registration of hazardous materials, which is offset in part through collection of fees totaling approximately \$800,000 annually. In addition, the City, through the Department of Public Health, receives \$450,000 in grant monies from the State Water Resources Control Board to oversee remediation of sites contaminated by leaking USTs. The cost of toxic cleanup in San Francisco's former military sites will be borne by the Federal government. San Francisco's

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oversight role is the primary method by which the City can insure that parcels transferred from the military to the City are clean and will not become a toxic liability in the future. At the present time, the Health Department has staff totaling approximately 1.5 FTEs working on this oversight process, and spends approximately \$125,000 annually.

Memo to Health, Public Safety and Environment Committee
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Item 6 - File 7-94-14

Department: Public Transportation Commission (PTC)
Municipal Railway (MUNI)

Item: This item is a hearing to consider the Municipal Railway's compliance with the Americans with Disabilities Act (ADA) requirements.

Description: Ms. Annette Williams of the MUNI advises that the ADA has, in general, served to reinforce the vast majority of measures that MUNI had already taken to provide the best service possible for senior and disabled passengers. For example, according to Ms. Williams, MUNI has had a long standing policy of (1) allowing an unlimited number of working dogs (i.e., signal or hearing dogs, guide dogs for the visually impaired and service dogs for persons with physical disabilities) on a given Muni coach, (2) allowing working dogs on a leash to ride unmuzzled and free of charge. Additionally, wayside platforms to give access to wheelchair users on Muni Metro surface stops were first constructed in 1983 and Paratransit services (door-to-door van and taxi services for disabled persons who are unable to use Muni) began in 1978.

Ms. Williams states that MUNI's policy on working animals is reinforced by (1) Muni operators being given instruction on this issue during initial operator training and annual retraining, (2) the issuance of frequent operator bulletins to remind Muni operators about the established policy, (3) the placement of on-board decals that announce MUNI's policy in this area and (4) the display of photos, in each MUNI Division, indicating the primary types of working dogs.

Under the ADA, according to Ms. Williams, Muni operators have the following general responsibilities: (1) to call out major stops and transfer points, announce bus lines and destinations to passengers at stops which service multiple lines, (2) to use lifts and kneelers (devices which lower the front end of a bus), jumpseats (seats which fold up to allow for wheelchairs) and securements (tie-downs for wheelchairs) as needed, including for passengers who are standing, and to assist passengers who are using securements or lifts as necessary or requested, (3) to allow leashed working dogs to board free of charge and unmuzzled as noted above (4) to remind passengers that the front seats must be yielded to seniors and persons with disabilities, (5) to accommodate individuals with respirator or portable oxygen supply, (5) to

Memo to Health, Public Safety and Environment Committee
October 11, 1994 Health, Public Safety and Environment Committee Meeting

allow adequate time for passengers with disabilities to complete boarding or disembarking from the vehicle.

Ms. Williams states the Muni operator's general responsibilities under the ADA are reinforced by (1) operator training sessions, (2) issuance of frequent bulletins on this subject matter, (3) on-board decals in multiple languages and overhead car cards which remind passengers of the yielding seat requirements, and (4) the fact that (a) ADA complaints warrant an automatic hearing and violators receive disciplinary action.

Additional ADA related provisions, tasks and policies which pertain to the Muni system and the Muni Paratransit system, as provided by the MUNI, are as follows:

Muni System

- The submission of an ADA Key Station Plan to the Federal Transit Administration, regarding access to Muni Metro Light Rail Vehicle (LRV) services (the Plan submitted in July, 1992 was approved).
- The provision of LRV access at key stations: 37 key stations have been designated, of which, 19 are already accessible and 18 are currently in the design phase and are anticipated to undergo the necessary construction to comply with ADA requirements by December of 1996.
- The provision of tactile edging (detectable warnings for blind persons) on platforms in existing key stations. Such edging is anticipated to be installed by February of 1995.
- The creation of wheelchair accessibility by use of wayside platforms and on-board bridges on the Muni F-line Market. MUNI anticipates that this project will be completed by early 1996.
- The provision of full high-level access at all stops on the Muni Metro Extension (Mission Bay) is to be completed by the Fall of 1996.
- The provision of transportation information in accessible formats (i.e., large print, cassettes tapes, computer disks,).

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Muni Paratransit

- MUNI has established service policies, which include (1) no limits on a passenger's purpose for taking a trip (i.e., does not have to be for a medical appointment), (2) passengers having access to 24 hour advance scheduling, (3) service being provided 24 hours a day, seven days a week to anywhere in the City, and (4) services being provided to visitors.
- The submission of an annual ADA plan on Paratransit services to the Federal Transit Administration (MUNI's plan has been approved each year thus far).
- The coordination of Paratransit services for intercounty travel: MUNI is currently working on agreements with local transit agencies (an agreement with Golden Gate Transit is now in place and an agreement with BART is anticipated to be completed in the near future).
- The establishment of a MUNI objective to be in full compliance with the ADA Paratransit services by January of 1997.
- The development of a seven-year financial plan to determine the level of funding necessary to meet ADA requirements. As a part of this plan, research will also be done on the potential for new funding sources to assist in funding ADA requirements in connection with Paratransit services.

Comments:

1. Ms. Williams advises that the recent incident where a Muni driver questioned whether a dog should be allowed on the bus was due to confusion on the part of the driver regarding whether the dog was actually a signal dog (for the hearing impaired), and thereby didn't need a muzzle. Pets are required to wear muzzles on Muni.

According to Ms. Williams, there are not many hearing impaired persons who ride Muni transit with signal dogs and there are no State or Federal requirements regarding specific distinguishing characteristics (i. e., specific color collar, leash, or I. D. card) that signal dogs must wear or owners must have to distinguish these dogs from other dogs. These facts have led, in some cases, according to Mr. Williams, to confusion on the part of Muni drivers.

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2. Ms. Williams reports that the Muni has two very active advisory committees of disabled transit and paratransit users, the Muni Accessibility Advisory Committee and the Paratransit Coordinating Council, both of which are involved in the implementation of ADA requirements.

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Item 7 - File 119-94-1

Department: Redevelopment Agency

Item: Ordinance amending Park Code by (a) amending Section 2.01 to specifically designate Yerba Buena Gardens as a public recreation area and (b) adding a New Article 10, Sections 10.01, 10.02, 10.03 and 10.04 extending the Park Code, with certain modifications regarding Yerba Buena Gardens, and granting the Redevelopment Agency exclusive authority to set rules and issue permits for the area defined as Yerba Buena Gardens.

Description: The proposed amendment to Section 2.01 of the Park Code would specifically define the open space on the blocks bounded by Market, Folsom, Third and Fourth Streets (known as Yerba Buena Gardens) as a "park" and place it under the control, management, and direction of the Redevelopment Agency. The proposed amendment would also, notwithstanding any other provisions of the Park Code, further grant exclusive authority to set rules and issue permits for the use of Yerba Buena Gardens by the Redevelopment Agency Commission.

The proposed addition of Article 10, (Sections 10.01, 10.02, 10.03, and 10.04) would 1) designate persons who would perform all functions for Yerba Buena Gardens which would be performed by the General Manager, Superintendent of Recreation and Superintendent of Parks; 2) define prohibited athletic activities, including but not limited to volleyball, baseball, soccer, football, roller-skating and blading, bicycle riding, etc. except when such activities are conducted pursuant to a permit; 3) restrict the presence of animals, except guide and signal dogs used by persons with disabilities, and animals used by San Francisco Police Officers while on duty; and 4) prohibit wheeled conveyances within Yerba Buena Gardens, except wheelchairs, strollers, and toys, such as tricycles and wagons, appropriate for pre-school children, unless a permit is obtained

Ms. Helen Sause, of the Redevelopment Agency indicates, the area defined as Yerba Buena Gardens has been operating and open to the public for approximately one year. The high volume of use, urban setting, and extensive investment in art work and landscaping has prompted the Redevelopment Agency to adopt rules that it believes will protect and preserve the investment made in the development of Yerba Buena, as well as protect the well being of visitors to Yerba Buena Gardens. However, without legislation granting the

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October 11, 1994 Health and Public Safety Committee Meeting

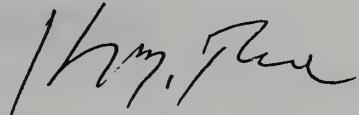
Redevelopment Agency the same powers granted to the Recreation and Parks Commission by the Park Code, the Redevelopment Agency does not have the authority to have the San Francisco Police Department (SFPD) enforce any of these rules.

Comments:

1. Ms. Sause has also indicated that Yerba Buena Gardens is a park with "quasi-public" ownership, and that the Recreation Parks Department does not have oversight responsibility for this facility.
2. According to Ms. Sause, the Redevelopment Commission has adopted rules that provide adequate coverage to both assist and protect visitors to the facility, as well as protect the sizable investments made in art work, landscaping, fountains, and the Martin Luther King, Jr. Memorial.
3. All of the rules and operating regulations specified in the proposed resolution have been adopted by the Redevelopment Agency's Commission and have been in effect for a one year trial period. The Redevelopment Agency believes the regulations that were adopted have provided the type of security desired in Yerba Buena Gardens. Ms. Sause further indicated that all of the special conditions that would be in effect with regard to the operation and use of Yerba Buena Gardens were made known through public hearings and community meetings prior to opening the facility and adopting the regulations.
4. Approval of the amendments to the Park Code is the final step needed to codify the regulations, for the use of Yerba Buena Gardens, which are currently enforced by the SFPD. Therefore, according to the Redevelopment Agency, the proposed amendments to the Park Code would not have any additional fiscal impact on the City and County nor the Redevelopment Agency.

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Recommendation: Approval of the proposed ordinance is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Shelley
Supervisor Hallinan
Supervisor Leal
President Alioto
Supervisor Bierman
Supervisor Conroy
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy

Supervisor Maher
Supervisor Migden
Clerk of the Board
Chief Administrative Officer
Controller
Teresa Serata
Robert Oakes
Ted Lakey

SF
90-43
10/25/94

CALENDAR

HEALTH, PUBLIC SAFETY & ENVIRONMENT COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

REGULAR MEETING

TUESDAY, OCTOBER 25, 1994, 10:00 A.M.

CITY HALL, ROOM 228
SAN FRANCISCO, CA 94102

MEMBERS: Supervisors Kevin Shelley, Terence Hallinan, Susan Leal

CLERK: Gregoire Hobson

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Disability Access

The Board of Supervisors Committee Meeting Room (228) and the Legislative Chamber of the Board are on the second floor of City Hall.



Both the Committee Room and the Chamber are wheelchair accessible. The closest accessible BART Station is Civic Center, 2 1/2 blocks from City Hall. Accessible MUNI line serving this location is the #42 Downtown Loop as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.



There is accessible parking in the vicinity of City Hall adjacent to Davies Hall and the War Memorial Complex.



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The following services are available on request 72 hours prior to the meeting or hearing:

For American sign language interpreters or the use of a reader during a meeting, contact Violeta Mosuela at (415) 554-7704.

For a large print copy of an agenda, contact Moe Vazquez at (415) 554-4909.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

1. File 123-94-2. [Locking Garbage/Refuse Receptacles] Ordinance amending Public Works Code Section 170, by adding a new subsection (b) authorizing the Director of Public Works to require locks on refuse containers of commercial establishments in areas open to the public. (Supervisors Shelley, Alioto)

(Continued from 10/11/94)

ACTION:

2. File 123-94-3. [Sidewalk Cleaning Required] Ordinance amending Public Works Code, Section 174, to specify that stains and accumulated grime on sidewalks are a nuisance. (Supervisors Shelley, Alioto)

(Continued from 10/11/94)

ACTION:

3. File 123-94-4. [Sidewalk Cleanliness Responsibility] Ordinance amending Public Works Code, Sections 174, 174.1, 174.2, 174.3, 174.4 and 174.5 to require that businesses occupying property abutting a public right-of-way maintain said public right-of-way in a clean state. (Supervisors Shelley, Alioto)

(Continued from 10/11/94)

ACTION:

4. File 127-94-11. [Business Registration Certificate, Clean Sidewalks] Ordinance amending Article 12.5, Part III of the San Francisco Municipal Code by amending Section 1007, to prohibit the Tax Collector from issuing or renewing Business Registration Certificates where costs and/or charges were assessed under the Public Works Code against a person who failed to abate a nuisance regarding litter or cleanliness of an abutting sidewalk or public right-of-way. (Supervisors Shelley, Alioto)

(Continued from 10/11/94)

ACTION:

5. File 207-94-7.1. [Safe Streets Now–Narcotics Forfeiture Fund] Resolution creating the "Safe Streets Now" Program to assist community groups in bringing actions in Small Claims Court against property owners responsible for the ownership, operation or maintenance of drug houses and urging the Mayor to set aside money from the Narcotics Forfeiture Fund to provide for this program. (Supervisors Shelley, Alioto)

(10/12/94 – BUDGET ANALYST ADVISES OF FISCAL IMPACT)

ACTION:

6. File 207-94-14. [Crime Stoppers] Resolution establishing the "Crime Stoppers" Program in San Francisco to partner the efforts of concerned residents, law enforcement agencies and the news media to reduce crime and improve the quality of life in San Francisco. (Supervisors Shelley, Alioto)

ACTION:

7. File 252-94-3.1. [Toxic Waste Sites] Hearing to consider the status and assessment of suspect toxic waste sites in San Francisco as referenced in the Commission on San Francisco's Environment's "Environmental State of the City Report", including but not limited to, utility plant sites and underground storage tanks. (Supervisors Shelley, Alioto)

(Continued from 10/11/94)

ACTION:

8. File 83-94-5. Hearing to consider the expansion of the winter emergency housing programs for the homeless. (Supervisor Alioto)

ACTION:

9. File 207-94-12. [Domestic Violence] Hearing to consider increases in domestic violence in San Francisco. (Supervisors Alioto, Conroy)

ACTION:

10. File 97-94-41.1. [General Assistance Property Level/Income Disregard] Ordinance amending the Administrative Code by amending Sections 20.56.10 and 20.57 relating to General Assistance allowable personal property and income disregard. (Supervisors Migden, Alioto)

ACTION:

11. File 97-94-41.2. [General Assistance, Employer Wage Subsidy] Ordinance amending the Administrative Code by adding Section 20.57.7 to authorize a General Assistance - Employer Wage Subsidy Program. (Supervisor Migden)

ACTION:

12. File 207-94-8.2. [Anti-Prostitution Law Enforcement Resources] Hearing to consider the resources devoted by the City and County of San Francisco to the enforcement of anti-prostitution laws and the prosecution of prostitution-related crimes. (Supervisor Hallinan)

ACTION:

HEALTH, PUBLIC SAFETY AND
ENVIRONMENT COMMITTEE
BOARD OF SUPERVISORS
ROOM 235, CITY HALL
SAN FRANCISCO, CA 94102

**IMPORTANT
HEARING NOTICE**

CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 MARKET STREET, SUITE 1025

SAN FRANCISCO, CALIFORNIA 94102 • TELEPHONE (415) 554-7642

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October 21, 1994

TO: // Health, Public Safety and Environment Committee

FROM: // Budget Analyst

SUBJECT: October 25, 1994 Health, Public Safety and Environment Committee
Meeting

Items 1, 2, 3 and 4 - Files 123-94-2, 123-94-3, 123-94-4 and 127-94-11

Note: These four items were continued by the Health, Public Safety and Environment Committee at its meeting of October 11, 1994.

Department: Department of Public Works (DPW)

Items: **File 123-94-2** - Ordinance amending Public Works Code Section 170 by adding a new subsection (b), which would authorize the Director of Public Works to require locks on the refuse containers of commercial establishments in areas open to the public.

File 123-94-3¹ - Ordinance amending Public Works Code Section 174 to specify that stains and accumulated grime on sidewalks are a nuisance.

File 123-94-4 - Ordinance amending Public Works Code Sections 174, 174.1, 174.2, 174.3, 174.4 and 174.5 to require that businesses occupying property which abuts a public right-of-way maintain said public right-of-way in a clean state.

¹ According to the Author's Office, this item is being tabled because it duplicates an amendment already included in File 123-94-4.

File 127-94-11 - Ordinance amending Part III of the Municipal Code, Section 1007, to prohibit the Tax Collector from issuing or renewing business registration certificates where unpaid costs and/or charges were assessed under the Public Works Code against a person who failed to abate a nuisance regarding litter or cleanliness of an abutting sidewalk or public right-of-way.

Description:

File 123-94-2

Section 170 of the Public Works Code currently provides that no commercial establishment is permitted to place trash receptacles on the sidewalk or other pedestrian right-of-way, except on the day that the trash is scheduled to be collected, or no earlier than 6 p.m. on the day prior to the day of scheduled trash collection. Section 170 further provides that the commercial establishment must remove the trash receptacle from the pedestrian right-of-way immediately following the collection of trash.

The proposed ordinance would add Subsection (b) to Section 170 of the Public Works Code to authorize the Director of Public Works to direct commercial establishments to securely lock trash receptacles in areas with high litter concentrations in order to prevent access to the contents of the receptacle by someone other than the trash collector. Any commercial establishment that fails to comply with such notice from the Director of Public Works would be subject to a civil penalty of \$200, as set forth in Public Works Code Section 174.2.

File 123-94-4

Article 15.1, Section 174 of the Public Works Code currently defines a nuisance as the accumulation of filth, garbage, decaying animal or vegetable matter, waste paper, hay, grass, straw, weeds, vegetation overgrowth, litter, trash, unsanitary debris, waste material, animal or human excrement, or any other matter that constitutes a threat to public health and safety. The proposed ordinance would amend Section 174 to also include stains, marks or grime caused by oil and other wastes absorbed or compressed into the surface as nuisances, and would hold the owner or the occupant of the premises nearest the public right-of-way liable for the cleanliness of said public right-of-way.

Article 15.1, Sections 174.1, 174.2, 174.3, 174.4 and 174.5 of the Public Works Code currently hold only the property owner responsible for the cleanliness of a pedestrian right-of-way adjacent to his or her property. The proposed ordinance would also amend the foregoing sections of the Public Works

BOARD OF SUPERVISORS
BUDGET ANALYST

Memo to Health, Public Safety and Environment Committee
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Code by requiring that both business occupants and property owners maintain the cleanliness of public sidewalks which border their property. The proposed ordinance would authorize the Department of Public Works (DPW) to cite either or both the property owner and the business occupant for failing to properly maintain pedestrian rights-of-way. The proposed ordinance would empower DPW to clean the sidewalk at either the owner's or the business's expense, and both parties would also be subject to fines and penalties for failing to clean sidewalks bordering their property.

Under current law, the Director of Public Works may direct a property owner in writing to abolish, abate and remove any existing nuisances from the pedestrian right-of-way adjacent to the owner's property within seven days of the mailing of the notice. If the property owner fails to abate or remove the nuisance within seven days, DPW is empowered to abate and remove the nuisance itself. The property owner is then charged a \$200 civil penalty and can be fined between \$30 and \$100 for the first offense and between \$100 and \$500 for each following offense for failing to comply with DPW's notice to abate and remove the nuisance. The property owner is also responsible for the costs incurred by DPW to remove and abate the nuisance. If the property owner fails to pay such costs incurred by the City and fails to pay the civil penalty within 30 days after receiving notice of such charges from DPW, the City may impose a lien on the owner's property.

The proposed ordinance would authorize the Director of Public Works to send a written notice to the business occupant in addition to or instead of just the property owner in order to direct the business occupant to remove or abate a nuisance from a pedestrian right-of-way adjacent to the property within seven days of the mailing of the notice. If the business occupant failed to abate or remove the nuisance within seven days, DPW would be empowered to abate and remove the nuisance itself. The business occupant would then be charged a \$200 civil penalty and could be fined between \$30 and \$100 for the first offense and between \$100 and \$500 for each following offense for failing to comply with DPW's notice to abate and remove the nuisance. The business occupant would also be responsible for the costs incurred by DPW to remove and abate the nuisance. If the business occupant failed to pay such costs incurred by the City and the civil penalty within 30 days after the mailing of the notice informing the business occupant of such obligations, DPW could restrict the issuance and renewal of business registration certificates to the business.

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File 127-94-11

Section 1007 of Article 12.5 of Part III of the Municipal Code describes the procedure for applying for and obtaining a business registration certificate from the Tax Collector. Under current law, the Tax Collector must determine whether the applicant has paid all outstanding business taxes, payroll expense taxes and other taxes and license fees owed to the City prior to issuing a registration certificate. A registration certificate cannot be issued until all taxes and license fees are paid to the City.

The proposed ordinance would amend Section 1007 to prohibit the Tax Collector from issuing or renewing registration certificates to those businesses which also have unpaid charges and/or costs as a result of failure to respond to DPW's notice to clean a pedestrian right-of-way. In addition, the proposed ordinance would correct a typographical error which currently appears in Section 1007.

Comments:

1. According to Mr. John Roumbanis of the DPW's Bureau of Street and Environmental Services, given the way Section 174 of the Public Works Code is currently drafted, DPW believes that the legislation is too broad in nature and lacks specificity. As such, DPW has not enforced this legislation (see attached memo from Mr. Roumbanis) and no citations have been issued to date under Public Works Code Section 174 to penalize property owners for failing to abate or remove nuisances from pedestrian rights-of-way adjacent to the owner's property. However, DPW has issued citations in accordance with other existing sections of the Public Works Code, Health Code and Police Code which concern litter abatement. Mr. Roumbanis reports that DPW has issued 303 citations from January through August, 1994 with a total value of \$22,903, in accordance with this other existing legislation.
2. Mr. Roumbanis advises that he believes that the proposed amendments to Section 174 of the Public Works Code (File 123-94-4) does provide the necessary specificity and clarity required for the DPW to issue citations under this amended legislation. As a result, Mr. Roumbanis estimates that the City would realize a slight increase in revenues. However, Mr. Roumbanis advises that the amount of any such additional revenues cannot be determined at this time.
3. Mr. Roumbanis advises that the City would not incur any significant additional costs as a result of the proposed

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legislation because DPW would use existing staff and resources to enforce the provisions of this proposed legislation.

4. The Author's Office advises that an Amendment of the Whole will be submitted at the October 11, 1994 Health, Public Safety and Environment Committee Meeting to correct a typographical error in File 123-94-4 (Item 3).

Recommendations:

1. Table File 123-94-3 (Item 2), as requested by the Office of the Author.
2. Approval of the other three ordinances (Files 123-94-2 - Item 1, 123-94-4 - Item 3 and 127-94-11 - Item 4) is a policy matter for the Board of Supervisors.

: City and County of San Francisco

Department of Public Works
Bureau of Street Environmental Services

October 7, 1994

TO: Harvey Rose, Budget Analyst, Board of Supervisors
Attn: Ms. Sandy Brown-RichardsonFROM: *John Roumbanis*, Superintendent

RE: Pending Legislation to Modify Public Works Code Section 174

As requested, below are my statements aimed at clarifying my comments, number 1 and 2, as contained in the October 7, 1994 Draft of the Budget Analyst's Report on File 127-94-11.

Comment 1: The current version of Public Works Code Section 174, in my judgement, is too broad in scope to allow for reasonable enforcement. For instance, the reference to "a threat to public health and safety" would be hard to sell when issuing costly citations. I do believe that the newly revised language provides the specificity and clarity to allow us to do an effective job, as it relates to "any accumulation of filth."

Comment 2. Enforcement of Public Works Code Section 174 will result the issuance of costly citations (\$76) and therefore additional revenues, two reasons:

1. There is a considerable backlog of dirty sidewalks throughout the city that will require the issuance of citations to recalcitrant property owners and tenants in order to achieve compliance.

2. The fact that businesses that are issued citations but do not pay the bail, may run the risk of having their license to operate nullified by the City's Tax Collector. This fact will lead to increased revenues as it is anticipated that more merchants will pay the \$76 penalty.

cc: John E. Cribbs, Director
Scott Shoaf, Deputy Director for Operations

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Item 5 - File 252-94-3.1

Note: This item was continued by the Health, Public Safety and Environment Committee at its Meeting of October 11, 1994.

Item: Hearing to consider the status and assessment of suspect toxic waste sites in San Francisco as referenced in the Commission on San Francisco's Environment's Environmental State of the City Report including but not limited to utility plant sites and underground storage tanks.

Description: In July of 1994, the Commission on San Francisco's Environment published the Environmental State of the City Report (the Report), a document which is intended to serve as a baseline source of information on San Francisco's environment. The Commission on San Francisco's Environment is a fifteen member advisory group, with Commissioners appointed by and reporting to the Board of Supervisors. Commissioners are not compensated for their service to the City.

The Environmental State of the City Report's chapter on the use and management of hazardous materials (Chapter 3) identifies four areas with major concentrations of toxic waste sites in the City. Three of the four areas are current or former military bases at Hunters Point, the Presidio, and Treasure Island. The fourth is a 325 acre area of Mission Bay owned by Catellus Corporation. Chapter 3 of the Report also discusses a variety of smaller types of sites in the City where toxic waste can be an issue such as medical facilities, auto repair shops, dry cleaning plants, paint businesses, photographic and printing shops, metal plating businesses and bus and taxi companies. Additional potential toxic waste sites are listed in Appendix 5 of the Report, which shows 40 sites identified in a U.S. Environmental Protection Agency database as having had some type of toxic release.

Regulatory authority over toxic waste sites rests primarily with State and Federal agencies. Air and water quality monitoring and permitting are done primarily by the State's Department of Toxic Substances Control, the Regional Water Quality Control Board, and the Bay Area Air Quality Management District. Authority over acute toxic sites such as those at Hunters Point rests primarily with the Federal EPA and with the lead agency in charge of cleanup, which in the case of closed military bases is the Navy or Army.

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BUDGET ANALYST

The City's responsibilities on toxic waste issues include: a) registering, permitting and inspecting businesses that use or store hazardous materials on site, b) monitoring and permitting underground storage tanks (USTs), c) inspecting hazardous waste generators and medical waste generators, d) emergency response coordination in the case of hazardous materials spills, and, e) oversight of the toxic cleanup processes at former military sites and at Mission Bay. The primary City agency in this area is the Department of Public Health's Toxics Bureau.

Buildings located throughout the City including businesses, residences, schools and City property contain underground storage tanks which were or are used to store gasoline, heating oil or other petrochemicals and which may leak, posing a potential toxic threat to groundwater and soil. USTs in the City are monitored and permitted by the Toxics Bureau within the Department of Public Health. According to Mr. Leslie Lum of the Toxics Bureau, since the Bureau began the UST permitting program in 1986, approximately 1,500 permits have been issued to tank operators. In order to obtain a permit, tank operators must control leakage, submit a leak detection and monitoring plan, and by 1998 will be required to upgrade their tanks with strengthened walls or other improvements.

In addition to the 1,500 permitted tanks, there are a large number of USTs which do not have permits and/or are unidentified. According to the Report, estimates of the number of unidentified and abandoned USTs in the City run from 10,000 to as high as 30,000. Mr. Lum reports that the Toxics Bureau has confirmed and identified 2,500 leaking or deteriorated tanks that must be removed. These tanks are now being removed at the rate of approximately 400 per year. Mr. Lum further reports that the Toxics Bureau is concentrating its UST efforts in the western half of the City, where toxic contamination poses a greater threat to groundwater and aquifers.

The Mission Bay area has had railroad and industrial uses since 1860, and is now being proposed for housing and light industrial development by Catellus and the City. An environmental impact study for Mission Bay notes that there are a variety of hazardous wastes on the site, and that the area is likely to be contaminated with solvents, fuels and fuel additives, heavy metals, acids, pesticides, herbicides, asbestos, creosote and PCBs. A plan for cleanup of the area

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has not yet been developed, but costs are estimated at approximately \$30 million. The cleanup of Mission Bay will be conducted under the oversight of the Regional Water Quality Control Board.

As noted above, the Report identifies toxic waste sites on current or former military bases as by far the largest concentration of acute toxic waste hazards in the City. Hunters Point has 11 confirmed toxic sites and 58 other sites still under investigation. Toxics at these sites include leaking USTs, asbestos, radium dials, heavy metals, solvents, PCBs, and cyanide. Cleanup of the Hunters Point area is projected by the Federal government to cost in excess of \$200 million over ten to fifteen years for a complete cleanup. The first priority in this process is the area known as Parcel A which is slated to be cleaned up by end of 1994 for transfer to the City. The cleanup schedule for the remaining Hunters Point sites is still being negotiated.

The Presidio and Treasure Island each experienced decades of industrial-type use by the Army and Navy including activities such as vehicle repair and weapons storage. Both bases are contaminated with oil, solvents, underground tanks, asbestos, lead, and PCBs. The Presidio also had a missile site which may be contaminated with fuel wastes. Cleanup costs at the Presidio are estimated by the Federal government at \$80 million or more, and at Treasure Island cleanup is estimated at \$40 million or more.

Ms. Sue Cone of the Health Department's Toxics Bureau notes that because the primary jurisdiction for air and water quality, and toxics regulation rests with State or Federal agencies, it is difficult for the City to determine which sites pose a toxic threat, and the extent of that threat. State and Federal agencies are not generally required to inform local governments about toxic hazards, according to Ms. Cone.

According to the Health Department, the City is spending approximately \$1 million annually on the monitoring and registration of hazardous materials, which is offset in part through collection of fees totaling approximately \$800,000 annually. In addition, the City, through the Department of Public Health, receives \$450,000 in grant monies from the State Water Resources Control Board to oversee remediation of sites contaminated by leaking USTs. The cost of toxic cleanup in San Francisco's former military sites will be

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borne by the Federal government. San Francisco's oversight role is the primary method by which the City can insure that parcels transferred from the military to the City are clean and will not become a toxic liability in the future. At the present time, the Health Department has staff totaling approximately 1.5 FTEs working on this oversight process, and spends approximately \$125,000 annually.

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Item 6 - File 207-94-7.1

Item: Resolution creating the "Safe Streets Now" program to assist community groups in bringing actions in Small Claims Court against property owners responsible for the ownership, operation or maintenance of drug houses and urging the Mayor to set aside money from the Narcotics Forfeiture Fund to provide for this program.

Description: This item is a resolution creating a program to assist community groups in bringing suit in Small Claims Court against property owners responsible for the ownership or operation of drug houses on their property. State law allows Small Claims Court Judges to impose awards of up to \$5,000 to be paid to individuals who are successful in bringing such suits for damages against property owners who allow drug houses to operate on their property.

The proposed program would assist San Francisco community organizations and individuals who are able to work with the City on law enforcement and court action against drug houses in their neighborhoods, but who lack the resources necessary to initiate and follow through on Small Claims Court suits. Costs of such a suit come from documenting drug activity, documenting Housing and Health Code violations, drafting and filing claims, and making court appearances.

Small Claims Court plaintiffs are not represented by attorneys. However in order to file a Small Claims Court case one must pay a filing fee of \$15 and give formal notice of the suit to the defendant which is often done through a process server at a cost of \$35-\$47. If a Police Officer or Housing Authority Officer is subpoenaed to appear, there is a cost of \$150. Postponement or reset of a hearing carries a fee of \$10, and there are other fees for various reports and actions by the Court that may be necessary. Therefore, the cost of pursuing a Small Claims Court suit would, at minimum, range between \$50 and \$200, and could be higher. There are fee waivers for plaintiffs who are able to show that they cannot afford Small Claims Court costs.

More importantly, if a plaintiff is successful in Small Claims Court, it is possible that the case will be appealed. According to Ms. Jeanne Stott of the Small Claims Court Legal Advisor's Office, plaintiffs must be willing and able to follow through on appeals if suits against property owners

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are to be an effective weapon against drug activity. Plaintiffs going beyond Small Claims Court would need the services of an attorney, and must expect to pay for those services.

In San Francisco, some lawsuits of this type have been brought. One case was brought against the San Francisco Housing Authority for drug activity at a 60-unit building in Hayes Valley. That case was won by the plaintiffs in Small Claims, won in Superior Court, and overturned on appeal. In another case, a suit was brought against a property owner on Frederick Street by 41 individuals and families from the surrounding neighborhood. That case was upheld on appeal and eventually resulted in a judgment of more than \$200,000 against the property owner. The property has since been sold by the bankruptcy trustee. According to Ms. Drucilla Ramey, a plaintiff in the suit, this suit succeeded in closing the house and ending drug activity where other methods including more than 200 police visits in a year had failed.

Comments:

1. There is no specific estimate at this time of the cost to the City to establish "Safe Streets Now" and the amount of funds proposed has not been specified in the resolution.
2. The proposed resolution urges the Mayor to set aside funds from the Narcotics Forfeiture and Asset Seizure Fund (Fund) for the program. Monies in this Fund are received from the Federal and State governments with the distribution share based on local agencies' participation in narcotics law enforcement which results in property forfeiture and seizure. According to Lt. Ryan of the Narcotics Unit, State law dictates that 65 percent of the funds go to law enforcement, 24 percent to the State general fund, 10 percent to District Attorneys and 1 percent to training programs. 15 percent of the 65 percent that goes to law enforcement is directed to education and youth drug prevention programs. In San Francisco, this money (15 percent of the 65 percent) funds drug education programs in schools, midnight basketball, boxing, and other police programs not involving traditional law enforcement.
3. Programs proposed for funding from the Narcotics Forfeiture Fund are considered by a panel made up of the Sheriff, Police Chief, Chief Probation Officer, and District Attorney. The State legislation specifies that programs which have been shown to be successful in the past will receive priority for this funding.

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4. In 1993-94, \$762,941 was budgeted from the Fund for the Police Department. Of the Police Department funding, approximately \$432,941 was for Narcotics Department operations and equipment, \$180,000 for youth programs, and \$150,000 for a work order to the District Attorney's Office to prosecute Forfeiture Fund cases. For 1994-95, \$440,000 is currently budgeted from the Fund for the Police Department, with \$172,000 work ordered to the District Attorney and \$268,000 for youth programs.
5. The Office of the Author of the proposed legislation has identified another potential source of funding for the proposed program. The recently-passed Federal Crime bill contains nationwide funding for Community Policing, Local Crime Prevention Block Grants (\$75.9 million annually) and a Model Intensive Grant Program (\$100 million in 1996, increasing annually to the year 2000).

Recommendation:

Approval of the proposed resolution is a policy matter for the Board of Supervisors.

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Item 7 - File 207-94-14

Department: Police Department

Item: Resolution establishing the Crime Stoppers Program in San Francisco aimed at bringing together concerned residents, law enforcement agencies and news media to reduce crime and improve the quality of life in San Francisco.

Description: The Crime Stoppers Program, a nonprofit organization, is an international program, which has been operating since 1976 and has over 1,000 chapters located throughout the free world. The Crime Stoppers International World Headquarters is located in Albuquerque, New Mexico.

The Crime Stoppers Program is aimed at encouraging people to provide information that will assist in solving a crime, by guaranteeing that the person providing such information will remain anonymous and by offering a cash award to such persons. The Crime Stoppers Program consists of a network of concerned citizens, law enforcement agencies and the news media which contribute to the Program as follows:

Community Support

Each individual Chapter of the Crime Stoppers Program is organized as a nonprofit agency which is operated by a Board of Directors, which consists of volunteer representatives from the community. The size and composition of the Board of Directors varies from Chapter to Chapter. The average Chapter has 18 Board members. The Board of Directors is responsible for setting policy, raising funds for the "award fund" and the operating costs of the Board, arranging for the payment of awards when appropriate, and promoting the Program.

News Media Support

Radio, television stations and newspapers periodically publicize a "Crime of the Week" to generate information that will lead to the solving of a particular crime. Such publicity is aimed at raising community awareness, in order to generate tips, not only about the featured crime, but also about other crimes that have been committed in the community.

Law Enforcement Support

Police Departments provide staff that are responsible for receiving tips from anonymous callers and performing follow-up investigation on each viable tip. The Crime Stoppers Program uses one toll-free telephone number for callers who wish to provide tips pertaining to crimes.

Comments:

1. Officer Howard Weathersby of the Public Affairs Unit of the Police Department advises that he would be responsible for recruiting the initial volunteers to sit on the Crime Stoppers Program's Board of Directors. According to Officer Weathersby, he anticipates that this recruitment effort can be performed generally within his normal work hours and would result in only minimal additional costs to the Department.
2. As noted above, the Crime Stoppers Program relies on Police Departments to receive and follow-up on tips provided by anonymous callers. According to Officer Weathersby, some increased staff time would be required immediately following the publication of a "Crime of the Week" (on average approximately once every three weeks) to receive additional calls from persons providing tips. According to Officer Weathersby, with no prior experience, the Police Department is unable at this time to estimate what, if any, additional costs the Department might incur as a result of these activities. Officer Weathersby notes that any additional costs which might be incurred by the Police Department in this respect may be off-set by potential cost savings to the Department if the tips received, under the Crime Stoppers Program, result in the Department solving a case sooner than it otherwise would have solved the case.

Recommendation: Approval of the proposed resolution is a policy matter for the Board of Supervisors.

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Item 8 - File 83-94-5

Item: Hearing to consider the expansion of winter emergency housing programs for the homeless.

Description: Estimates of the number of homeless in the City range from 5,552 by the 1990 U.S. Census Bureau to over 10,000 by some advocacy organizations. Estimates of the number of individuals who seek shelter and are turned away on any given night range from 115 in a survey by KRON-TV to 500 (duplicated) in a survey by Independent Housing Services.

San Francisco has approximately 1,500 emergency shelter beds, 125 emergency hotel room beds, 171 transitional housing beds, and 1,910 permanent supportive housing beds available for homeless persons. Therefore, there are approximately 1,625 (1,500 plus 125) beds available as "emergency" housing year-round. Some, but not all, of the emergency shelter programs receive City funding.

For example, emergency shelters for men are operated by the Salvation Army (54 beds), the Multi-Service Center South (200 beds), and the Dolores Street Shelter (70 beds). Women's shelters and shelters for battered women are operated by St. Paulus (50 beds) and La Casa de las Madres (25 beds). Family and Youth shelters are operated by Hamilton Family Shelter (70 beds), Richmond Hills Residence (40 beds), Traveler's Aid (54 beds), and Diamond Street Youth Center (20 beds). The cost of emergency shelter beds typically ranges from approximately \$10-\$20 per night. Time limits for shelter stays range from 1 night to as long as 180 days.

During the winter of 1993-94, the number of emergency beds added over the 1,625 shelter beds noted above was approximately 100 beds for men, and 10 hotel rooms for families, as winter shelters operated by Episcopal Community Services and Catholic Charities were made available to serve the homeless. These shelters were partially funded with approximately \$84,000 from the General Fund and were operational from Thanksgiving until March.

According to Mr. Jim Buick of the Department of Social Services (DSS), during the winter of 1994-95, the approximately 100 beds in churches will be available again, but the hotel service for 10 families will not be operating.

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However a new 40-bed transitional housing program for families run by Traveler's Aid will open on December 7th and Catholic Charities has recently been awarded \$17,950 in State grant funds for hotels vouchers for homeless families. Up to 25 families will be provided with these hotel vouchers and case management during the winter months. In addition, the DSS is now investigating the possibility of a temporary winter shelter program for 28 families at Oak Street House.

The DSS has approximately \$37,619 available to fund winter emergency shelter housing all of which is committed to the church shelter program. No specific funding source for additional emergency winter housing has been identified.

Mr. Buick states that in keeping with the City's focus on developing a continuum of care for homeless persons, DSS is concentrating its efforts and funding on developing transitional and permanent supportive housing rather than on expanding emergency shelter services.

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Item 10 - File 97-94-41.1

Department: Department of Social Services (DSS)

Item: Draft ordinance amending Administrative Code by amending Sections 20.56.10 and 20.57, relating to General Assistance allowable personal property and relating to the Income Disregard Program.

Description: Section 20.56.10 of the Administrative Code, entitled Allowable Personal Property, currently provides that any person who has cash in excess of the current monthly General Assistance (GA) grant for a single individual of \$345 is ineligible to apply for General Assistance. Furthermore, for any person who has cash of less than \$345, the entire amount of such cash is entirely offset against the current monthly GA grant of \$345. However, if a portion of those cash assets are in a savings and/or checking account, up to \$25 of that amount in the savings and/or checking account is exempted from being used to offset the GA grant. For example, under current legislation, a person who has \$25 in a savings account can still receive the maximum GA grant of \$345, since none of that \$25 is used to offset the GA grant. However, if a GA recipient has \$300 in cash, none of which is contained in a savings or checking account, the entire amount of \$300 must be used to offset the GA grant, so that the person would be eligible to receive only \$45 (\$345 less \$300) for one month of GA aid. However, if \$25 of that \$300 in cash were in a savings account, the person would be eligible to receive a GA grant of \$70, which is equivalent to the maximum GA grant of \$345 less \$275 (\$300 in total cash less \$25 in savings).

The proposed ordinance would amend Section 20.56.10 to allow a person applying for GA to have up to \$345 in cash, savings or in a checking account without any of that amount being used to offset the monthly GA grant of \$345. In addition, the proposed amendment would provide that any amount in cash, savings or in a checking account in excess of \$345 would be used to offset the monthly GA grant on a dollar-for-dollar basis. For example, under the proposed legislation, if a person had \$300, regardless of how much of that \$300 was in cash, savings or in a checking account, none of that \$300 would be applied to offset the monthly GA grant of \$345. As such, a single individual would be eligible to receive the maximum GA grant of \$345. However, if that person had \$600 in cash, savings or in a checking account, he or she would still be eligible to receive a GA grant, but \$255

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(the amount in excess of \$345) of that \$600 would be offset against the GA grant, so that the person could only receive \$90 of GA aid for that month.

According to the Department of Social Services (DSS), the proposed legislation would (1) increase the pool of eligible GA participants because persons with more than \$345 in liquid assets would become eligible to apply for GA; and (2) increase the average length of time that a person would receive GA payments, since a person with cash assets of more than \$345 would be eligible to apply for GA aid sooner and would not necessarily stop receiving GA aid earlier, and clients who already receive GA payments and who would otherwise be discontinued for assets in excess of \$345 might remain on GA aid for a longer period of time.

According to Mr. Antoine Moore of DSS, DSS estimates that this proposed amendment pertaining to the personal property limit would increase the cost of the GA Program by approximately \$69,000 annually.

Section 20.57 (b) of the Administrative Code requires GA recipients to complete either 20 verifiable job applications per month and/or participate in Department-approved job counseling, vocational rehabilitation, drug or alcohol treatment or a work assignment program in order to continue receiving GA payments. The proposed ordinance would amend Section 20.57 (b) to clarify the definition of verifiable job applications by specifically defining the completion of verifiable job applications as (1) sending resumes and cover letters to apply for positions for which the recipient meets the minimum qualifications; (2) cold-calling prospective employers followed by the sending of a resume and cover letter; and (3) participation in union hiring hall programs that make use of telephone job searches.

Section 20.57 (h) of the Administrative Code established the Income Disregard Program in order to provide a work incentive for GA recipients. The Income Disregard Program operates by disregarding a certain amount of an employed GA recipient's monthly gross income when determining the recipient's GA continuing eligibility and grant amount. As such, a GA recipient is permitted to earn income and still receive a partial GA grant.

Presently, a person can receive up to \$610 per month in gross income and still receive a grant. Under the Income Disregard Program, DSS disregards up to \$270 of the

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person's monthly gross income in determining the amount of the recipient's GA grant, in accordance with Section 20.57 (h). The balance of the recipient's monthly income is offset against the GA grant on a dollar-for-dollar basis. For example, the GA grant of a single individual recipient earning \$610 per month would be equivalent to the difference between the \$345 monthly GA grant and the amount to be offset against the grant, or \$340 (\$610 less \$270). Therefore, \$345 less \$340 equals a monthly GA grant of \$5, as reflected in the table below.

(1)	(2)	(3)	(4)
<u>Gross Monthly Salary</u>	<u>Income Disregard</u>	<u>Amount Offsetting GA Grant (Col. 1 - Col. 2)</u>	<u>Maximum GA Grant (\$345 - Col. 3)</u>
\$100	\$100	\$0	\$345
200	167	33	312
300	217	83	262
400	250	150	195
500	270	230	115
610	270	340	5

The proposed ordinance would amend Section 20.57 (h) of the Administrative Code to increase the income disregard limit from a maximum of \$270 to a maximum of \$454. Thus, DSS would disregard up to \$454 of a single individual recipient's monthly gross income in determining the amount of the person's GA grant, in accordance with Section 20.57 (h). The balance of the recipient's monthly income would then be offset against the GA grant on a dollar-for-dollar basis. For example, the GA grant of a person earning \$794 per month would be \$5, which is equivalent to the difference between the \$345 monthly GA grant and the amount to be offset against the grant, or \$340 (\$794 less \$454). Therefore, under existing legislation, a single individual recipient can earn up to \$610 per month and still receive a GA grant, but under the proposed legislation, a person could earn up to \$794 per month and still receive a GA grant, as shown in the table below.

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(1)	(2)	(3) Amount Offsetting GA Grant (Col. 1 - Col. 2)	(4) Maximum GA Grant (\$345 - Col. 3)
Gross Monthly Salary	Income Disregard		
\$200 350 500 650 794 800	\$200 300 375 425 454 455	\$0 50 125 225 340 345	\$345 295 220 120 5 0

According to Mr. Moore, the proposed legislation that would increase the income disregard limit from \$270 to \$454 could potentially generate savings for the City, but only if the proposed legislation leads to an increase in the average monthly earnings of an employed GA recipient and to an increase in the number of GA recipients participating in the Income Disregard Program for the following reasons: (1) as the average monthly income increases, the average GA grant should decline since the GA grant would be offset by the GA recipient's higher monthly earnings, and (2) if the number of GA recipients participating in the Income Disregard Program increases, a larger percentage of the total GA caseload would likely receive less than the maximum GA grant of \$345 per month.

Mr. Moore advises that the average monthly income of Income Disregard Program participants is \$244 per month. Mr. Moore estimates that (1) the average monthly income would have to increase by at least \$118 from the current average monthly income of \$244, which would result in an average GA grant reduction of at least \$33 from the current average monthly GA grant of \$290 for Income Disregard Program participants, and (2) the number of GA recipients participating in the Income Disregard Program would have to increase by at least 846 from the current participation rate of 564, for the City to realize savings in the GA Program. However, Mr. Moore advises that there is presently no way of knowing whether the proposed increase in the income disregard limit would have these two effects.

If these two effects are not achieved, Mr. Moore advises that the increased income disregard limit would most likely increase the cost of General Assistance because, at each level of earnings, a greater amount of the person's income could be disregarded and less of the person's income would be used to

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offset the GA grant, thereby resulting in an increase the average grant amount. The table below illustrates, for a single individual recipient, the potential costs to the City of increasing the income disregard limit.

<u>Gross Monthly Salary</u>	<u>Maximum GA Grant Under Current Legislation</u>	<u>Maximum GA Grant Under Proposed Legislation</u>	<u>Increase in Cost to City Per Single Individual Recipient Per Month</u>
\$100	\$345	\$345	\$0
200	312	345	33
300	262	312	50
350	229	295	66
400	195	270	75
500	115	220	105
610	5	147	142
650	0	120	120
794	0	5	5
800	0	0	0

Mr. Moore advises that of the approximately 564 current GA recipients participating in the Income Disregard Program per month, approximately 376 persons do not receive a full GA grant. The average gross income for these 376 GA recipients is approximately \$300 per month. As such, the potential cost to the City of amending Section 20.57 (h) of the Administrative Code to increase the income disregard limit is approximately \$18,800 per month (376 participants x a potential cost per month, per participant of \$50, as reflected in the table above), or \$225,600 annually.

In addition, DSS advises that the pool of eligible Income Disregard Program participants would most likely increase as a result of the increased income disregard limit. This increase would occur because, under existing legislation, a person would be ineligible to receive a grant if his or her gross earnings exceeded \$610 per month, whereas under the proposed legislation, a person earning up to \$794 per month would still be eligible to receive a GA grant.

In addition, under the existing legislation, up to \$1,500 in savings derived from the gross earnings of an employed GA recipient may be disregarded during the GA recipient's participation in the Income Disregard Program and for up to three months after the GA recipient's participation in the

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Program, if the GA recipient becomes unemployed. The proposed legislation would amend this provision by increasing the amount of savings which can be disregarded when determining the GA recipient's continuing eligibility and grant amount from \$1,500 to \$2,000.

According to Mr. Moore, this proposed amendment would likely increase the City's costs of the GA Program by increasing the average length of time that a person would receive GA payments. However, as of the writing of this report, Mr. Moore was unable to estimate the amount of the potential additional costs to the City as a result of this provision.

In summary, according to DSS estimates at this time, the potential additional costs of the proposed ordinance to the City are \$294,600 per year (\$69,000 in potential additional costs by increasing the personal property limit plus \$225,600 in potential additional costs by increasing the income disregard limit).

Comments:

1. According to Ms. Sally Kipper of DSS, DSS supports the proposed amendment to clarify the definition of a verifiable job search application. In addition, regarding the proposed amendment to increase the personal property limit, Ms. Kipper advises that DSS supports an increase to \$100 as the amount of liquid assets that would be exempted from being used to offset the monthly GA grant, but does not support the proposed increase to \$345, which would likely increase the costs of the GA Program.

Furthermore, regarding the proposed increase in the income disregard limit, Ms. Kipper advises that DSS does support the concept of creating incentives to obtain permanent employment and to exit public aid, but that the existing Income Disregard Program already costs the City \$400,000 annually.

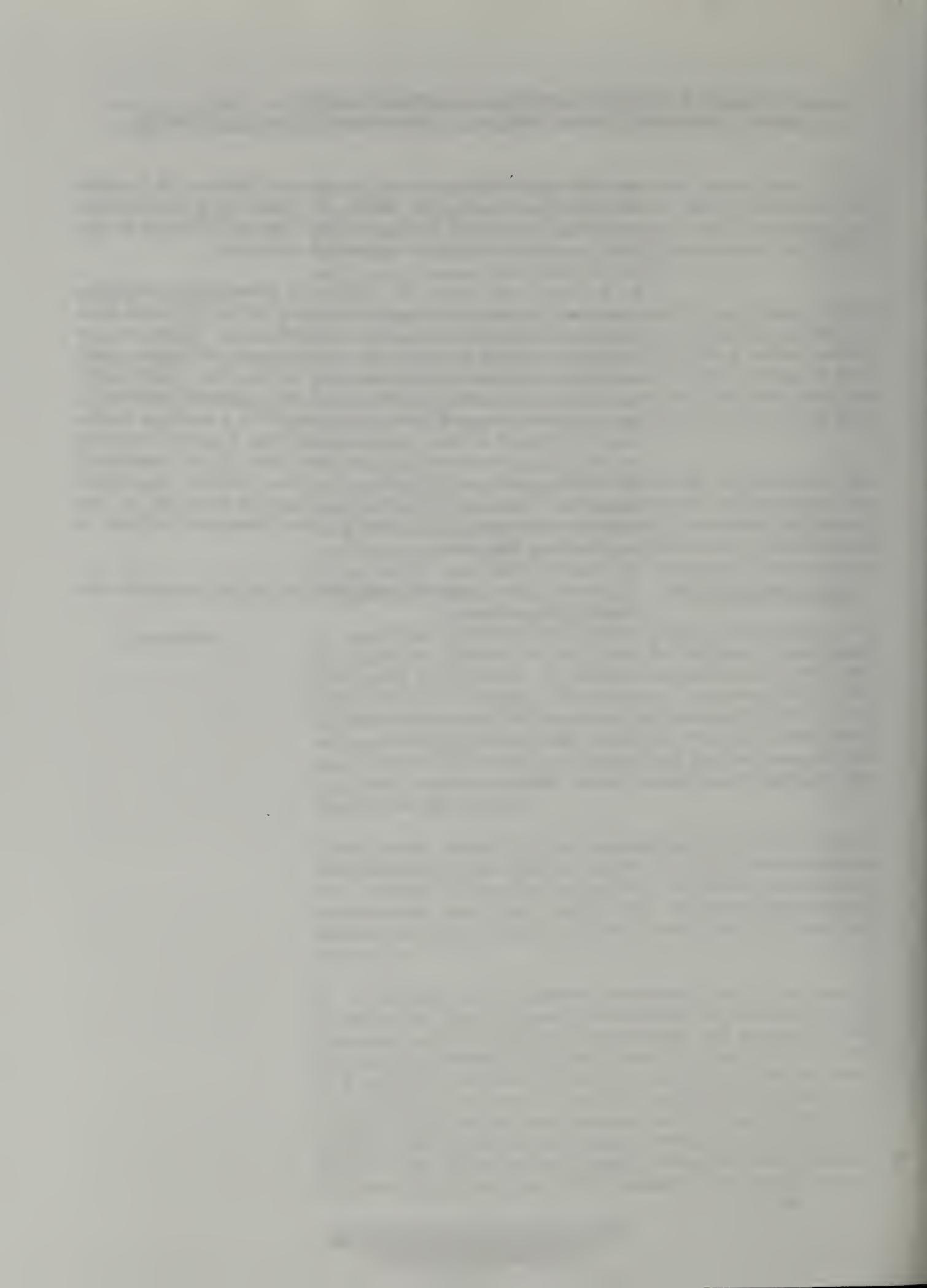
2. According to an analysis completed by St. Anthony's Foundation, the proposed amendment pertaining to the personal property limit would generate net savings to the City of approximately \$138,000 in the first year, as the result of a reduction in the GA caseload and administrative costs. In addition, the report by St. Anthony's Foundation estimated that the proposed increase in the income disregard limit would generate first-year savings to the City of \$237,023 by (a) increasing Income Disregard participation; (b) increasing the number of GA recipients who report income

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to DSS; and (c) increasing the average income of Income Disregard participants. Thus, St. Anthony's Foundation estimates an overall savings to the City of \$375,023 in the first year as a result of the proposed ordinance.

3. As previously noted, St. Anthony's Foundation estimates that the City would realize a savings of \$375,023 in the first year as a result of the proposed ordinance. However, as noted above, DSS believes that the proposed ordinance could result in potential additional costs to the City of \$294,600 annually. DSS further believes that the proposed increase in the income disregard limit could result in a savings to the City if it leads to an increase in (a) the average monthly earnings of an employed GA recipient, and (b) the number of GA recipients participating in the Income Disregard Program. Whether or not the proposed increase in the income disregard limit would have these two effects is uncertain at this time.

Recommendation: Approval of the proposed ordinance is a policy matter for the Board of Supervisors.



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Item 11 - File 97-94-41.2

Department: Department of Social Services (DSS)

Item: Ordinance amending the Administrative Code by adding Section 20.57.7 to authorize the General Assistance (GA) Employer Wage Subsidy Program.

Description: In order to promote the permanent employment of General Assistance (GA) recipients and their permanent exit from public aid, the proposed ordinance would amend the Administrative Code to add Section 20.57.7, which would authorize the Department of Social Services (DSS) to establish the GA Employer Wage Subsidy Program. Under this Program, the employer of a GA recipient who is (1) employed as a result of the proposed Wage Subsidy Program, (2) employed for at least 26 weeks and (3) earning a minimum of \$800 per month in gross income could receive a wage subsidy from the City from monies appropriated for the General Assistance Program. The amount of the wage subsidy would be equivalent to 14 percent of the employee's gross salary for the first 26 weeks (six months) of employment. The first subsidy payment by the City to the employer of the GA recipient would be made after the first 13 consecutive weeks of employment, and the second subsidy payment would be made after the second 13 consecutive weeks of employment.

Under the proposed General Assistance Employer Wage Subsidy Program, DSS would coordinate with community agencies to seek permanent employment for GA recipients who participate in the General Assistance Training and Employment Services (GATES) Program. The GATES Program provides job counseling, job search, case management, education, vocational and on-the-job training, appraisal and assessment services to employable GA recipients. Under the proposed GA Employer Wage Subsidy Program, DSS would seek permanent employment for GATES clients as opposed to unemployable GA recipients since GATES clients have undergone a screening process in order to assure that they are employable and job-ready.

DSS advises that it expects to place approximately 100 GA recipients per year in permanent positions through the GA Employer Wage Subsidy Program. Based on DSS's past experience with the GATES Program, DSS estimates that the average gross earnings for a GA recipient participating in the Wage Subsidy Program would be approximately \$1,300 per

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month (\$15,600 annually), or a total of \$7,800 for six months. Under the proposed GA Employer Wage Subsidy Program, the City would pay a wage subsidy amounting to \$1,092 (14 percent of \$7,800) to the employer of a GA recipient.

The maximum grant for a GA recipient who is single is presently \$345 per month. According to DSS, the average GATES client spends approximately 18 months receiving GA aid before becoming employed. Of those 18 months on aid, between four and five months are spent in the GATES Program. The total cost of GA payments for those 18 months is \$6,210 (\$345 x 18 months). Mr. Antoine Moore of DSS advises that if the proposed GA Employer Wage Subsidy Program does not reduce the length of time that the average client receives GA aid, the Program could then increase the City's cost of the General Assistance Program by the \$1,092 amount paid as a wage subsidy to the employer, or from \$6,210, the regular cost of the GA Program, to \$7,302 per client (\$6,210 plus \$1,092 paid to the employer). For the estimated 100 GA clients participating in the Wage Subsidy Program per year, the potential additional cost of this proposed legislation to the City could average \$109,200 per year (\$1,092 per client x 100 clients per year), based on an average salary of GATES clients of \$1,300 per month.

DSS estimates that this proposed ordinance would most likely reduce the average length of time that a person receives GA aid, but that it is not possible at this time to estimate the amount of this reduction. According to Mr. Moore, if the proposed GA Employer Wage Subsidy Program results in a reduction of four months (i.e., from 18 months to 14 months), the City would realize a savings in the GA Program. For example, if a GA client becomes employed through the Wage Subsidy Program after 14 months of receiving GA, the City would pay \$4,830 in GA payments (\$345 x 14 months) to the GA recipient, plus a wage subsidy of \$1,092 (14 percent of the GA client's average earnings of \$7,800 for the first 26 weeks or six months of employment) to the employer of the GA recipient, for a total cost of \$5,922. If that GA recipient had received GA payments for the entire 18-month period, the total cost to the City would have been \$6,210, as previously noted. Thus, the potential savings would be \$288 per client (\$6,210 less \$5,922) if the proposed GA Employer Wage Subsidy Program reduces the average length of time that a client spends on GA aid by four months. For the estimated 100 GA clients participating in the Wage Subsidy Program per year, the potential savings of the

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proposed legislation could be \$28,800 per year (\$288 per client x 100 clients per year).

Attached is a table provided by DSS which shows the City's potential average expenditure per client for GA payments and the estimated cost of the wage subsidy, based on the client's length of time on GA aid and on the monthly salary of the client.

According to Mr. Moore, DSS estimates that if the proposed GA Employer Wage Subsidy Program enabled a relatively higher percentage of GA recipients to obtain permanent employment, thereby reducing the GA caseload, the City could realize savings in the GA Program in excess of the above-noted \$28,800 annually. However, as of the writing of this report, DSS was unable to provide an estimate of such additional potential savings.

Comment: Ms. Sally Kipper of DSS advises that DSS supports the proposed GA Employer Wage Subsidy Program not only because of the potential reduced costs to the City but also because this Program would create permanent exits from public aid for GA recipients.

Recommendation: Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

INCENTIVE RATE CHART

Monthly Salary	Wage Subsidy Payment
\$823	\$692
867	728
910	764
953	800
997	838
1,040	874
\$1,083	\$910
1,127	946
1,170	982
1,213	1,020
1,257	1,056
1,300	1,092
1,343	1,128
1,387	1,164
\$1,430	\$1,202
1,473	1,238
1,517	1,274
1,560	1,310
1,603	1,346
1,647	1,384
1,690	1,420
\$1,733	\$1,456
1,777	1,492
1,820	1,528
1,863	1,566
1,907	1,602
1,950	1,638
1,993	1,674

Average Expend. Per Client*	Average Expend. + wage sub.	Expend. leaving 1 mo. early	Expend. leaving 2 mo.'s early	Expend. leaving 3 mo.'s early	Expend. leaving 4 mo.'s early	Expend. leaving 5 mo.'s early
\$6,210	\$6,902	\$6,557	\$6,212	\$5,867	\$5,522	\$5,177
6,210	\$6,938	\$6,593	\$6,248	\$5,903	\$5,558	\$5,213
6,210	\$6,974	\$6,629	\$6,284	\$5,939	\$5,594	\$5,249
6,210	\$7,010	\$6,665	\$6,320	\$5,975	\$5,630	\$5,285
6,210	\$7,048	\$6,703	\$6,358	\$6,013	\$5,668	\$5,323
6,210	\$7,084	\$6,739	\$6,394	\$6,049	\$5,704	\$5,359
\$6,210	\$7,120	\$6,775	\$6,430	\$6,085	\$5,740	\$5,395
6,210	\$7,156	\$6,811	\$6,466	\$6,121	\$5,776	\$5,431
6,210	\$7,192	\$6,847	\$6,502	\$6,157	\$5,812	\$5,467
6,210	\$7,230	\$6,885	\$6,540	\$6,195	\$5,850	\$5,505
6,210	\$7,266	\$6,921	\$6,576	\$6,231	\$5,886	\$5,541
6,210	\$7,302	\$6,957	\$6,612	\$6,267	\$5,922	\$5,577
6,210	\$7,338	\$6,993	\$6,648	\$6,303	\$5,958	\$5,613
6,210	\$7,374	\$7,029	\$6,684	\$6,339	\$5,994	\$5,649
\$6,210	\$7,412	\$7,067	\$6,722	\$6,377	\$6,032	\$5,687
6,210	\$7,448	\$7,103	\$6,758	\$6,413	\$6,068	\$5,723
6,210	\$7,484	\$7,139	\$6,794	\$6,449	\$6,104	\$5,769
6,210	\$7,520	\$7,175	\$6,830	\$6,485	\$6,140	\$5,795
6,210	\$7,556	\$7,211	\$6,866	\$6,521	\$6,176	\$5,831
6,210	\$7,594	\$7,249	\$6,904	\$6,559	\$6,214	\$5,869
6,210	\$7,630	\$7,285	\$6,940	\$6,595	\$6,250	\$5,905
\$6,210	\$7,666	\$7,321	\$6,976	\$6,631	\$6,286	\$5,941
6,210	\$7,702	\$7,357	\$7,012	\$6,667	\$6,322	\$5,977
6,210	\$7,738	\$7,393	\$7,048	\$6,703	\$6,358	\$6,013
6,210	\$7,776	\$7,431	\$7,086	\$6,741	\$6,396	\$6,051
6,210	\$7,812	\$7,467	\$7,122	\$6,777	\$6,432	\$6,087
6,210	\$7,848	\$7,503	\$7,158	\$6,813	\$6,468	\$6,123
6,210	\$7,884	\$7,539	\$7,194	\$6,849	\$6,504	\$6,159

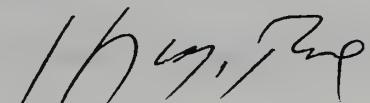
* The average case life of a client in the GATES program is 18 months on aid.
 18 * \$345 (maximum monthly grant) = \$6,210

Memo to Health, Public Safety and Environment Committee
October 25, 1994 Health, Public Safety and Environment Committee Meeting

Item 12 - File 207-94-8.2

Item: This item is a hearing to consider the resources devoted by the City and County of San Francisco to the enforcement of anti-prostitution laws and the prosecution of prostitution-related crimes.

Description: The Office of the Sponsor of the proposed hearing advises that his Office is planning to have a letter sent to each City Department that is responsible for the enforcement of anti-prostitution laws and the prosecution of prostitution-related crimes, requesting details on the annual costs which each department expends for such enforcement and prosecution activities. As such, the Office of the Sponsor has advised the Budget Analyst that a request will be made to have this hearing continued to the call of the Chair in order to provide the applicable City Departments with sufficient time to prepare and submit the requested cost information.



Harvey M. Rose

cc: Supervisor Shelley
Supervisor Hallinan
Supervisor Leal
President Alioto
Supervisor Bierman
Supervisor Conroy
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Maher
Supervisor Migden
Clerk of the Board
Chief Administrative Officer
Controller
Teresa Serata
Robert Oakes
Ted Lakey

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11/27/94

CALENDAR

HEALTH, PUBLIC SAFETY & ENVIRONMENT COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

DOCUMENTS DEPT.

NOV 18 1994

REGULAR MEETING

SAN FRANCISCO
PUBLIC LIBRARY

TUESDAY, NOVEMBER 22, 1994, 10:00 A.M.

CITY HALL, ROOM 228
SAN FRANCISCO, CA 94102

MEMBERS: Supervisors Kevin Shelley, Terence Hallinan, Susan Leal

CLERK: Gregoire Hobson

* * * * *

Disability Access

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For a large print copy of an agenda, contact Moe Vazquez at (415) 554-4909.

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1. File 287-94-2. [HIV/AIDS Services for Native Americans] Hearing to consider the manner in which HIV/AIDS services for Native Americans are provided in the City and County of San Francisco. (Supervisors Hallinan, Kennedy, Alioto)

ACTION:

2. File 244-94-18.2. [Toxicity in Bayview-Hunters Point] Hearing to consider the current level of toxicity and number of waste-producing sites in the Bayview-Hunters Point area, as well as to consider the implications for area residents of the possible construction of a co-generation facility in that area. (Supervisors Hallinan, Alioto, Bierman, Shelley)

ACTION:

3. File 30-94-21. [Department of Mental Health and Substance Abuse Treatment and Prevention] Resolution urging the Board of Supervisors to review and assess the possible development of a Department of Mental Health and Substance Abuse Treatment and Prevention. (Supervisor Alioto)

(Cont'd from 9/13/94)

ACTION:

4. File 30-94-21.1 [San Francisco Czar] Resolution urging the Board of Supervisors to review the feasibility of the appointment of a Director "Czar" to Mental Health and Substance Abuse Treatment and Prevention. (Supervisor Alioto)

(Cont'd from 9/13/94)

ACTION:

5. File 30-94-22. [VDT Advisory Committee Annual Report] Hearing to consider the Video Display Terminal Worker's Safety Ordinance Advisory Committee's 1994 Annual Report. (Supervisor Alioto, Bierman)

ACTION:

6. File 57-94-4. [Nondisposal Facility Element] Resolution adopting the DRAFT Nondisposal Facility Element. (Chief Administrative Officer)

ACTION:

7. File 83-94-1. Hearing to consider the "One-By-One" homeless plan. (Supervisor Alioto)

ACTION:

8. File 83-94-5. Hearing to consider the expansion of the winter emergency housing programs for the homeless. (Supervisor Alioto)

(Cont'd from 10/25/94)

ACTION:

9. File 97-94-40. [General Assistance-Exempt Loans] Ordinance amending the Administrative Code by amending Section 20.56.11 relating to exempt income under the General Assistance Program. (Supervisor Alioto)

ACTION:

10. File 97-94-41. [General Assistance Property Levels] Ordinance amending the Administrative Code by amending Section 20.56.10 to include allowable personal property under the General Assistance Program. (Supervisor Alioto)

ACTION:

11. File 244-94-3.4. [National Park Services, PG&E Bid Award] Hearing to consider the National Park Service's bid award to Pacific Gas and Electric Company. (Supervisors Alioto, Migden, Shelley)

ACTION:

12. File 97-94-71. [Family Support – Collection Intervention] Ordinance amending the Administrative Code by adding Section 10.117-47/A to authorize the District Attorney to establish a collection mechanism for family support that would allow any support payee in San Francisco to have any or all support paid through the Family Support Bureau without requiring the payee to open a case through the Title IV-D Child Support Program. (Supervisor Maher)

(11/2/94 – BUDGET ANALYST ADVISES OF FISCAL IMPACT)

ACTION:

13. File 127-94-12. [Child Support Compliance] Ordinance amending Part III, Article 12-B of the Municipal Code by adding Section 1007.4 to prohibit the issuance of an annual Business Registration Certificate to an individual who is out of compliance with a Child Support Order or judgment. (Supervisor Maher)

ACTION:

14. File 291-94-1. [Overtime – Child Support Payments] Resolution urging the Superior Court to amend its local rules, and urging the District Attorney, when seeking child support, to presume that overtime pay will continue at the same rate it has been earned in the preceding twelve (12) months or in the amount shown by the evidence, and to attribute to a non-complying parent income based on 150 percent of the average wage or the gross income indicated by the evidence, whichever is greater. (Supervisor Maher)

ACTION:

15. File 291-94-2. [Restitution – Abusive Domestic Behavior] Resolution declaring it to be the policy of the City and County of San Francisco to encourage Judges to award reasonable costs and fees, except in the most extreme and unusual circumstances, to question victims of abusive behavior to determine if such expenses have been incurred, to advise unrepresented victims of their right to such restitution, to question victims to determine if they have availed themselves of the services provided by agencies which aid persons abused in domestic relationships, and to establish procedures to notify defaulting abusive parties and schedule hearings to determine an appropriate award of attorney fees, costs and restitution. (Supervisor Maher)

ACTION:

16. File 291-94-3. [Child Support Obligations Policy] Resolution declaring it to be the policy of the City and County of San Francisco to require parents to fulfill their child support obligations, and urging the California Legislature to amend the Family Code consistent with this policy of the City and County of San Francisco by requiring the District Attorney and the local courts, when computing child support, to presume a parent's overtime pay will continue at the same rate earned in the preceding twelve (12) months, and to impute to non-complying parents a gross income based on 150 percent of the average annual wage, or the income indicated by the evidence, whichever is greater. (Supervisor Maher)

ACTION:

17. File 97-94-73. [San Francisco Health Authority, Establish] Ordinance amending the Administrative Code by adding Chapter 69, encompassing Sections 69.1 through 69.6, to establish the San Francisco Health Authority as a public entity, distinct from the City and County of San Francisco, to be the local initiative component of the Medi-Cal State Plan, with authority to engage in activities involving the provision of health care services to various parties, including Medi-Cal beneficiaries. (Department of Public Health)

ACTION:

CITY AND COUNTY



OF SAN FRANCISCO *City Report*

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 MARKET STREET, SUITE 1025

SAN FRANCISCO, CALIFORNIA 94102 • TELEPHONE (415) 554-7642

43
14
November 18, 1994

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MAY 31 2002

TO: Health, Public Safety and Environment Committee

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PUBLIC LIBRARY

FROM: Budget Analyst

SUBJECT: November 22, 1994 Health, Public Safety and Environment Committee

Meeting

Item 6 - File 57-94-4

1. The proposed resolution would adopt the final draft of the City's Non-Disposal Facility Element (NDFE), which was developed in response to requirements of the California Public Resources Code, Section 41730 *et. seq.* pursuant to the California Integrated Waste Management Act.

2. The California Integrated Waste Management Act of 1989 mandated that San Francisco develop solid waste diversion programs aimed at diverting solid waste from landfills, including both solid waste and household hazardous waste. The NDFE, which is required under the California Public Resources Code, is a component of the County Integrated Waste Management Plan.

3. The City's Source Reduction and Recycling Element established a plan on how waste reduction, as mandated in the California Public Resources Code, would be achieved for San Francisco. The purpose of the City's NDFE is to identify all existing and proposed solid waste facilities, including expansion of such facilities, which will be used by the City to assist in reaching the goals set out in the Source Reduction and Recycling Element. The California Public Resources Code, as it pertains to solid waste diversion mandates, specifies goals of 25 percent diversion from landfill disposal¹ by 1995 and 50 percent diversion by the year 2000. Pending approval by the Board of Supervisors, the final draft of the City's NDFE must be submitted to the California Integrated Waste Management Board and appended to the City's Source Reduction and Recycling Element.

¹ Diversion of landfill solid waste may include the reuse of the waste, the recycling of the waste into new material, composting of material, or the incineration of the waste.

4. The NDFE is required to identify and describe all non-disposal facilities which will be used to reach the solid waste diversion mandates. A non-disposal facility receives both solid waste and separated recyclable materials and recovers additional recyclable material from solid waste. These facilities are required to obtain a State solid waste facilities permit. The San Francisco NDFE details five non-disposal and recycling facilities which are located throughout the south-eastern section of San Francisco. Ms. Kris Keller, Solid Waste Administration and Development Manager at the Solid Waste Management Program at the Office of the Chief Administrative Officer, states that 4 of the 5 facilities are still in the process of obtaining State permits,² and that among the requirements these facilities must fulfill is an accounting of the tonnage of solid waste that is both processed and recycled. Ms. Keller states that at the present time more than 750,000 tons per year of solid waste and recyclables are processed, but there is no consistent information on the amounts processed and recycled at each individual facility.

5. Ms. Keller states that each of the non-disposal facilities in the City's NDFE are owned by private, for-profit corporations. The largest facility, San Francisco Solid Waste Transfer and Recycling Center, is owned by Norcal Waste Systems, which receives all refuse generated in the City as a result of City Ordinance 485-86. The Norcal facility recovers some recyclable material from the City's refuse and also receives residential and commercial curbside recyclable material. The other four facilities listed in the City's NDFE get recyclable material that is brought in by residents and businesses, in addition to construction, demolition, and recyclable material from other sites. All refuse and residual waste from recycled material is then transported to the Altamont Landfill outside of Livermore, California. Ms. Keller states that the City is currently diverting more than 30 percent of the solid waste created in the City, and that the 25 percent reduction goal by 1995 set out in the California Integrated Waste Management Act should be readily met.

6. The San Francisco County Integrated Waste Management Advisory Committee³ has reviewed the NDFE and provided final comments which were incorporated into the City's NDFE document on August 17, 1994. In addition, operators at each of the 5 non-disposal facility sites provided input which was incorporated into the NDFE. According to Ms. Keller, no environmental review is required for the City's NDFE because it merely documents existing facilities and

² Mr. Henry Louie, Senior Environmental Health Specialist for the Bureau of Environment Health Services, states that the requirement that the non-disposal recycling facilities obtain a permit has not been enforced due to the length of time necessary to obtain certification for the permit. Each of the facilities contained in the City's NDFE were operating when the permit requirement took effect in 1989 as part of the California Integrated Waste Management Act. As a result, all such facilities currently in process of obtaining a permit have been allowed to continue to operate due to the vital service they provide to the City.

³ The Committee, consisting of 8 people appointed by the Chief Administrative Officer and representing the solid waste industry, environmentalists, and other interested parties, was formed in December of 1990 for the purpose of reviewing the Source Reduction and Recycling Element.

Memo to Health, Public Safety and Environment Committee
November 22, 1994 Health, Public Safety and Environment Committee Meeting

thus its adoption by the Board of Supervisors would not have an environmental impact on the City.

7. The Chief Administrative Officer indicates that the NDFE must be submitted to the California Integrated Waste Management Board by December 31, 1994 and appended to the City's Source Reduction and Recycling Element.

8. The proposed resolution does not make any policy recommendations for the modification of the City's recycling and waste disposal programs, and, as such, its approval would have no additional fiscal impact on City expenditures.

Recommendation

Approval of the proposed resolution is a policy matter for the Board of Supervisors.

Item 8 - File 83-94-5

Note: This item was continued by the Health, Public Safety and Environment Committee at its meeting of October 25, 1994.

Item: Hearing to consider the expansion of winter emergency housing programs for the homeless.

Description: Estimates of the number of homeless in the City range from 5,552 by the 1990 U.S. Census Bureau to over 10,000 by some advocacy organizations. Estimates of the number of individuals who seek shelter and are turned away on any given night range from 115 in a survey by KRON-TV to 500 (duplicated) in a survey by Independent Housing Services.

San Francisco has approximately 1,500 emergency shelter beds, 125 emergency hotel room beds, 171 transitional housing beds, and 1,910 permanent supportive housing beds available for homeless persons. Therefore, there are approximately 1,625 (1,500 plus 125) beds available as "emergency" housing year-round. Some, but not all, of the emergency shelter programs receive City funding.

For example, emergency shelters for men are operated by the Salvation Army (54 beds), the Multi-Service Center South (200 beds), and the Dolores Street Shelter (70 beds). Women's shelters and shelters for battered women are operated by St. Paulus (50 beds) and La Casa de las Madres (25 beds). Family and Youth shelters are operated by Hamilton Family Shelter (70 beds), Richmond Hills Residence (40 beds), Traveler's Aid (54 beds), and Diamond Street Youth Center (20 beds). The cost of emergency shelter beds typically ranges from approximately \$10-\$20 per night. Time limits for shelter stays range from 1 night to as long as 180 days.

During the winter of 1993-94, the number of emergency beds added over the 1,625 shelter beds noted above ranged from 60-100 beds for men, and 10 hotel rooms for families, as winter shelters operated by Episcopal Community Services and Catholic Charities were made available to serve the homeless. These shelters were partially funded with approximately \$84,000 from the General Fund and were operational from Thanksgiving until March.

According to Mr. Jim Buick of the Department of Social Services (DSS), during the winter of 1994-95, approximately 100 beds in churches will be available including 40

BOARD OF SUPERVISORS
BUDGET ANALYST

Memo to Health, Public Safety and Environment Committee
November 22, 1994 Health, Public Safety and Environment Committee Meeting

additional beds for five weeks just recently made available by St. Boniface Church. The hotel service for 10 families that was available in 1993-94 will not be operating, however a new 40-bed transitional housing program for families run by Traveler's Aid will open on December 7th and Catholic Charities has recently been awarded \$17,950 in State grant funds for hotel vouchers for homeless families. Up to 25 families will be provided with these hotel vouchers and case management during the winter months. In addition, the DSS is now investigating the possibility of a temporary winter shelter program for 28 families at Oak Street House.

The DSS has approximately \$37,619 available to fund winter emergency shelter housing all of which is committed to the church shelter program. According to Mr. Buick, the DSS is now seeking to identify an additional amount of approximately \$11,900 to fund the recently added shelter beds at St. Boniface.

Mr. Buick states that in keeping with the City's focus on developing a continuum of care for homeless persons, DSS together with the Mayor's Homeless Budget Task Force are concentrating their efforts and funding on developing transitional and permanent supportive housing rather than on expanding emergency shelter services.

Item 9 - File 97-94-40

Department: Department of Social Services (DSS)

Item: Ordinance amending the Administrative Code by amending Section 20.56.11, relating to exempt income under the General Assistance Program.

Description: Under current law, income and resources, such as wages, checking and savings accounts, loans and public assistance (e.g. social security, veterans benefits, etc.), are used to offset the level of a General Assistance (GA) recipient's monthly grant of \$345 for a single individual. However, Section 20.56.11 of the Administrative Code currently provides that, in determining the level of a GA recipient's monthly grant, the following income and resources will not be considered:

- Relocation payments to families or individuals being displaced by a redevelopment agency;
- Retirement benefits, pending determination by the General Manager of DSS that the GA applicant will be re-employed in the near future and that such employment is contingent upon the retirement fund not being withdrawn; or
- Aid for Families with Dependent Children (AFDC) grants or Supplemental Security Income (SSI)/Supplemental Security Program (SSP) benefits and resources provided to another member of the GA applicant's family.

The proposed ordinance would amend Section 20.56.11 to also exempt loans from being considered in determining a GA recipient's monthly grant amount. In accordance with the proposed ordinance, any loan made to a GA applicant or recipient and secured by a written and signed agreement between the lender and the borrower which states the amount of the loan and which clearly specifies the obligation of the borrower to repay the loan, would not be considered as income or resources available to that GA applicant or recipient.

According to Mr. Ed DeBerri of the St. Anthony Foundation, the purpose of the proposed ordinance is to make the General Assistance Program consistent with other public assistance programs, such as SSI and AFDC, which do not consider loans as income in determining a recipient's grant level. According to Mr. DeBerri, an October 1993 study completed by the St. Anthony Foundation estimated that the proposed

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BUDGET ANALYST

Memo to Health, Public Safety and Environment Committee
November 22, 1994 Health, Public Safety and Environment Committee Meeting

ordinance would not result in any significant additional costs to the City.

According to Mr. Antoine Moore of the Department of Social Services (DSS), the proposed ordinance would likely increase the costs to the City of the General Assistance Program since it would probably increase the eligible pool of GA recipients. However, Mr. Moore advises that the amount of such costs cannot be determined at this time.

Recommendation: Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

Item 10 - File 97-94-41

Department: Department of Social Services (DSS)

Item: Ordinance amending the Administrative Code by amending Section 20.56.10 to increase allowable personal property under the General Assistance (GA) Program.

Description: Section 20.56.10 of the Administrative Code currently provides that any person who has a checking or savings account containing a balance of less than \$25 is still eligible to receive the current maximum monthly General Assistance (GA) grant for a single individual of \$345. However, if a person's checking or savings account contains a balance in excess of \$25, the amount in excess of \$25 must be used to offset the monthly GA grant of \$345. For example, under current legislation, a person who has \$25 in a savings account can still receive the maximum GA grant of \$345, since none of that \$25 is used to offset the GA grant. However, if a GA recipient has \$100 in a savings account, \$75 of that amount (\$100 less \$25) would be used to offset the GA grant, so that the person would be eligible to receive only \$270 (\$345 less \$75) for one month of GA aid.

The proposed ordinance would amend Section 20.56.10 to allow a person applying for GA to have up to \$750 in a savings or checking account without any of that amount being used to offset the monthly GA grant of \$345. In addition, the proposed amendment would provide that any balance in a savings or checking account in excess of \$750 would be used to offset the monthly GA grant on a dollar-for-dollar basis. For example, under the proposed legislation, if a person had \$500 in a bank account, none of that \$500 would be applied to offset the monthly GA grant of \$345. As such, a single individual would be eligible to receive the maximum GA grant of \$345. However, if that person had \$1,000 in a bank account, he or she would still be eligible to receive a GA grant, but \$250 (the amount in excess of \$750) of that \$1,000 would be offset against the GA grant, so that the person could only receive \$95 of GA aid for that month (\$345 less \$250).

According to the Department of Social Services (DSS), the proposed legislation would (1) increase the pool of eligible GA participants because persons with more than \$25 in a bank account would become eligible to apply for GA; and (2) increase the average length of time that a person would receive GA payments, since (a) a person with a bank account with a balance of more than \$25 would be eligible to apply for

BOARD OF SUPERVISORS
BUDGET ANALYST

Memo to Health, Public Safety and Environment Committee
November 22, 1994 Health, Public Safety and Environment Committee Meeting

GA aid sooner and would not necessarily stop receiving GA aid earlier, and (b) clients who already receive GA payments and who would otherwise be discontinued for having a bank account with a balance in excess of \$25 might remain on GA aid for a longer period of time.

According to Mr. Antoine Moore of DSS, DSS estimates that the proposed ordinance would increase the cost of the GA Program by at least \$98,000 per year. The Attachment, provided by DSS, is a written explanation of the methodology used by DSS in arriving at this cost estimate.

According to the Author's Office, the purpose of the proposed ordinance is to provide an exit from homelessness by allowing homeless GA recipients to save enough money to pay the rent and security deposit for a new living space.

Comment: There is currently legislation (File 97-94-41.1) pending approval of the Board of Supervisors that would increase the personal property limit from \$25 to \$345 without any of the \$345 offsetting the GA grant of \$345, in contrast to the proposed legislation, which would increase the personal property (savings or checking account) limit to \$750 without any of the \$750 offsetting the GA grant of \$345.

Recommendation: Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

City and County of San Francisco



Department of Social Services

Brian F. Cahill
General Manager

Assistant General Managers
Sally Kipper
Pat Reynolds
John R. Vera

ASSET LIMIT
11/18/94

DSS POSITION:

- * Raising the General Assistance asset limit from \$25 to \$750 would increase costs to the County approximately \$100,000.
- * We are willing to raise the asset limit to \$100, which would raise costs by only approximately \$10,000.

We believe that raising the exemption:

- * is not likely to result in significant savings.
- * increases the number of eligible applicants
- * prolongs the average length of time a client stays on aid.

POTENTIAL SAVINGS -

Increasing the asset limit could possibly increase the quality of life for clients. With additional savings, clients might find housing faster. They might use their money to purchase necessary personal items, or some might choose to be housed in better housing arrangements for a short period of time.

Despite these additional benefits, however, increasing the asset limit probably will not result in fewer clients. In fact, the opposite is more likely true.

It is also unlikely to reduce the average grant amount, nor probably will it shorten the length of time most clients stay on aid. Therefore, raising the asset limit is not likely to result in significant savings.

COST CALCULATIONSAssumptions in Calculations -

- * 1200 clients were denied or discontinued last year for excess assets. We assume that most of these applicants had assets of between \$26 and \$750. An additional undetermined number of people never applied for GA because they did not qualify (due to excess assets). Under the new limit these people will now be eligible to apply. This second group will increase the total number of those eligible to apply for aid, so we assume that the total number of clients will be at least 1200.

- * Of the additional 1200 people, some will come on aid 1 day earlier, some 10 days earlier, others 14 days, etc. It is assumed that an equal number of new people will come in each day.
- * The estimates assume that the additional time on aid does not increase more than 15 days at a time.

Formula -

- 1) Determine the number of potential extra days on aid.
- 2) Find the average cost / day for early eligibility
- 3) Multiply average cost by the estimated number of additional people.

1) Number of potential extra days

[(Amount of asset limit - \$25) / \$11.50 day] rounded up to nearest whole number = number of extra days on aid

EX: \$750 - 25 = \$725 \$725 / \$11.50 = 64 extra days

2) Find average cost

One extra day costs \$11.50. Each additional day is an additional \$11.50. Assuming an equal distribution of clients across days, the average cost is the average cost for all days between the 1st and the 64th extra day (See chart)

Sum of the cost of all extra days / total number of extra days = Average additional cost. Average cost is \$81.94

3) Multiply average cost by the number of additional people.
\$81.94 * 1,200 = \$98,328

Average Cost Estimates

# Days	Cost	# Days	Cost	# Days	Cost
1	11.5	31	11.5	61	11.5
2	23	32	23	62	23
3	34.5	33	34.5	63	34.5
4	46	34	46	64	46
5	57.5	35	57.5	65	57.5
6	69	36	69	66	69
7	80.5	37	80.5	67	80.5
8	92	38	92	68	92
9	103.5	39	103.5		
10	115	40	115		
11	126.5	41	126.5		
12	138	42	138		
13	149.5	43	149.5		
14	161	44	161		
15	0	45	0		
16	11.5	46	11.5		
17	23	47	23		
18	34.5	48	34.5		
19	46	49	46		
20	57.5	50	57.5		
21	69	51	69		
22	80.5	52	80.5		
23	92	53	92		
24	103.5	54	103.5		
25	115	55	115		
26	126.5	56	126.5		
27	138	57	138		
28	149.5	58	149.5		
29	161	59	161		
30	0	60	0		
Total	2415		2415		414
Grand Total	5,244				
Avg / day	5244 / 64 = \$81.94				
	1200 * 81.94 = \$98,328				

Memo to Health, Public Safety and Environment Committee
November 22, 1994 Health, Public Safety and Environment Committee Meeting

Items 12 and 13 - Files 97-94-71 and 127-94-12

Departments: District Attorney
Tax Collector

Items: Item 12, File 97-94-71 - Ordinance amending the Administrative Code by adding Section 10.117-47.A to authorize the District Attorney to establish a collection mechanism for family support that would allow any parent who is owed family support payments to have such support paid through the Family Support Bureau without requiring said parent to open a case through the Child Support Program under Title IV-D of the Social Security Act.

Item 13, File 127-94-12 - Ordinance amending Part III, Article 12-B by adding Section 1007.4 to prohibit the issuance of an annual business registration certificate to an individual who is out of compliance with a child support court order or judgment.

Description: File 97-94-71

Title IV-D of the Social Security Act requires every State to have a Child Support Program. The State of California has delegated the responsibility for operating this Program, which is funded primarily through State and Federal funds, to the District Attorney's Office in each county. Child Support Program services which are mandated under Title IV-D include (1) locating absent parents, (2) establishing paternity for children born out of wedlock, (3) establishing judgments for delinquent child support payments, (4) reviewing child support payment orders, at least every three years, for level of compliance, (5) collecting and distributing child support payments, (6) providing regular and frequent public outreach programs, (7) reporting all program statistics to the State and Federal grantors, which fund the Child Support Programs and (8) conducting a self audit.

The proposed ordinance would amend the Administrative Code by adding a new Section 10.117-47.A, which includes the following provisions:

(1) the District Attorney's Office would be authorized to establish a collection program for delinquent family support payments that would allow any parent owed such family support payments to receive those support payments by intervention of the District Attorney's Office through the District Attorney's Family Support Bureau, without

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BUDGET ANALYST

participating in the Child Support Program under Title IV-D of the Social Security Act;

- (2) upon the request of a parent owed family support payments, the District Attorney's Office may notify, in writing, the parent obligated to make such delinquent support payments, advising such parent that the delinquent payments must be made to the District Attorney within 30 days of the receipt of the notification. Such notification would further inform the parent obligated to pay the child support payments that failure to make such payments shall result in enforcement by the District Attorney's Office. Any support payments submitted to the District Attorney's Office in response to the written notification shall be made payable to the parent owed the support payments and forwarded by the District Attorney's Office to such parent within 24 hours of receipt by the District Attorney's Office;
- (3) any parent owed support payments who requests intervention by the District Attorney's Office pursuant to this Section, at the time of the request, shall be advised that enforcement services under Title IV-D of the Social Security Act shall not be available to him or her until a Title IV-D case is established, either by a request of the parent owed support payments or because of the failure of the absent parent to pay support payments on a timely basis; and
- (4) the District Attorney's Office shall report on the implementation of the provisions outlined in this Section to the Board of Supervisors one year from the effective date of this ordinance.

File 127-94-12

The proposed ordinance would amend Part III of the Municipal Code to add a new Section 1007.4, which would, in part, provide that:

- (1) the District Attorney's Office shall maintain a list of persons for whom a child support order or judgment has been rendered in a California Court and who are not in compliance with that court order or judgment. Such list, containing the names, Social Security numbers and last known address of these persons, shall be submitted by the District Attorney to the Tax Collector's Office on a monthly basis;

(2) promptly after receiving an application for a business registration certificate, the Tax Collector's Office shall determine whether the applicant is on the most recent list provided by the District Attorney's Office. If the applicant is on the list, the Tax Collector's Office shall serve notice to the applicant of the Tax Collector's Office's intent to withhold issuance of the annual business registration certificate. The notice must indicate that the applicant must obtain a release from the District Attorney's Office as a condition for the issuance of an annual registration certificate and include a form that the applicant may use to request a review by the District Attorney's Office;

(3) the Tax Collector's Office shall not issue a registration certificate unless it receives a release from the District Attorney's Office;

(4) the Tax Collector's Office shall issue a temporary registration certificate, valid for a period of 150 days, to any applicant whose name is on the list if the applicant is otherwise eligible for a registration certificate and requests a review by the District Attorney's Office within 30 days of the issuance of the Tax Collector's Office's notice;

(5) If the applicant wishes to challenge the submission of his or her name on the list, the applicant shall submit a written request for review on the form provided by the Tax Collector's Office and shall notify the Tax Collector's Office of such request. The District Attorney's Office shall establish a review procedure and inform the applicant in writing of his or her findings upon completion of the review.

The District Attorney's Office shall immediately send a release to the Tax Collector's Office and the applicant, if any of the following conditions are met: (a) the applicant is found to be in compliance or negotiates an agreement with the District Attorney's Office for a payment schedule on the delinquent family support payments, (b) the applicant has obtained a judicial finding of compliance (see provision No. 6 below), (c) the applicant has filed and served a request for a judicial review to the District Attorney's Office (see provision No. 6 below), but a resolution of that review will not be made within the 150-day period of the temporary registration certificate;

(6) if upon completing a review, the District Attorney's Office finds that a release cannot be issued, the District Attorney's Office shall notify the applicant in writing that

BOARD OF SUPERVISORS
BUDGET ANALYST

the applicant may request any or all of the following: (a) a judicial review of the District Attorney's Office's decision not to issue a release and (b) a judicial determination of compliance or a modification of the family support payment judgment or order;

(7) the request for judicial review shall be served by the applicant upon the District Attorney's Office within seven days of the applicant's filing of a petition with the Court;

(8) if the Tax Collector's Office does not receive a release from the District Attorney's Office upon expiration of the applicant's temporary registration certificate, the Tax Collector's Office shall refer the case to the District Attorney's Office for prosecution ;

(9) the Tax Collector's Office and the District Attorney's Office shall enter into an agreement to provide for the receipt by the Tax Collector's Office of Federal funds to pay for that portion of costs incurred by the Tax Collector's Office in implementing the provisions of this Section. According to Ms. Edwina Young of the District Attorney's Family Support Bureau, 45-Code of Federal Regulations (CFR) , Section 302.34 provides for the District Attorney's Family Support Bureau to enter into cooperative agreements with other City departments which provide services in connection with the Child Support Program. Under such agreements, Federal funds would pay for a minimum of 66 percent of costs. associated with providing such services. According to Ms. Young, depending upon the total amount of revenue which is received from the Federal government, including incentive payments, for the Family Support Bureau, it is possible that a City department providing services in connection with the Child Support Program could receive 100 percent reimbursement for such services.

(10) in the event that a registration certificate is denied pursuant to this Section, any fee paid by the applicant shall not be refunded to the applicant by the Tax Collector's Office.

Comments:

1. Attached is a memo from Mr. Arlo Smith, District Attorney which advises, in part, that an undetermined cost would be incurred by the City with respect to the proposed ordinance (File 97-94-71).

Memo to Health, Public Safety and Environment Committee
November 22, 1994 Health, Public Safety and Environment Committee Meeting

2. As of the writing of this report, the Tax Collector's Office was unable to provide any information to the Budget Analyst regarding what, if any, fiscal impact the proposed ordinance (File 127-94-12) would have on the Department.

Recommendation: Approval of the proposed ordinances is a policy matter for the Board of Supervisors.

BOARD OF SUPERVISORS
BUDGET ANALYST

DISTRICT ATTORNEY

ARLO SMITH
DISTRICT ATTORNEY



ROBERT M. PODESTA
CHIEF ASSISTANT
DISTRICT ATTORNEY

SAN FRANCISCO

880 BRYANT STREET, SAN FRANCISCO 94103 TEL. (415) 553-1752

November 16, 1994

TO: Board of Supervisor's Budget Analyst
ATTN: Sandy Brown-Richardson

FROM: ARLO SMITH, 
District Attorney

SUBJECT: File Number 097-94-071
Child Support Legislation

Supervisor Maher has submitted legislation to amend the Administrative Code authorizing the District Attorney to establish a collection mechanism for a family support payee in San Francisco to have any or all support paid through the Family support Bureau without requiring the payee to open a case under the Title IV-D Child support Program.

The intent of the legislation is to provide a collection and distribution service without all of the other mandated activities that are performed by the Family Support Bureau.

There is a cost to local government to perform this function that is not subvented by federal or state funds. There is no estimate of the number of families who might want this service so it is not possible to estimate the costs. The current child support program costs are offset by a variety of revenues. This activity would be funded by the general fund.

I am in support of this legislation. Any and all tools we can utilize to insure that the support obligation will be met each and every month is critical to the children who are entitled to support.

Items 14, 15 and 16 - Files 291-94-1, 291-94-2 and 291-94-3

Departments: District Attorney
Superior Court

Items:

Item 14, File 291-94-1 - Resolution urging the Superior Court and the District Attorney, through the Family Support Bureau, when processing cases having to do with delinquent child support payments, to presume that (1) if the parent who is obligated to pay the delinquent child support payments earns overtime pay in connection with his or her job, that such parent's overtime pay will continue to be the same amount that it was for the preceding twelve months and (2) if such parent fails or refuses to provide verification of income to the Court, then his or her earned income will be presumed to be 150 percent of the average wage or gross income indicated by the evidence, whichever is greater.

Item 15, File 291-94-2 - Resolution declaring it to be the policy of the City to encourage Judges to (1) award reasonable attorney fees and costs, and costs for damages to victims of domestic abuse, except in the most extreme and unusual circumstances, and to question victims of domestic abuse to determine if such costs have been incurred, (2) question victims to determine if they have availed themselves of the services provided by agencies which aid abused persons and (3) establish procedures and schedule hearings to determine an appropriate award of attorney fees, and costs for damages incurred by victims of domestic abuse.

Item 16, File 291-94-3 - Resolution declaring it to be the policy of the City to require parents to fulfill their child support obligations, and urging the California Legislature to amend the State Family Code consistent with this proposed policy of the City by requiring the District Attorney, through the Family Support Bureau, and the local Courts, when processing delinquent child support cases to presume that (1) if the parent who is obligated to pay the delinquent child support payments earns overtime pay in connection with his or her job, that such parent's overtime pay will continue to be the same amount that it was for the preceding twelve months and (2) if such parent fails or refuses to provide verification of income to the Court, then his or her earned income will be presumed to be 150 percent of the average wage or gross income as indicated by the evidence, whichever is greater.

Description: File 291-94-1

The State Family Code sets forth the Statewide Uniform Guideline for child support. The proposed legislation states that, the Guideline (1) provides for the computation of child support based on the annual gross income of the child's parents, including "income from whatever source derived," including wages and salaries and (2) allows the Court, in its discretion, to consider the earning capacity of a parent in lieu of the parent's actual income, consistent with the best interest of the child or children.

According to the proposed legislation, the Guideline does not, however, specifically provide for guidelines on (1) how the amount of overtime pay to be attributed to the parent obligated to pay delinquent child support payments should be determined or (2) the amount of income which should be attributed to such parent who fails or refuses to provide verification of income to the Court. The proposed legislation states that in the absence of such guidelines in these two areas, the Court (1) has excluded overtime pay of the obligated parent from consideration based on the statement of the parent obligated to provide child support, thereby forcing the parent who is owed child support to return to Court to seek modification of support based on the obligated parent's continued receipt of overtime pay and (2) does not attribute any earning capacity to a parent, obligated to pay child support, who fails or refuses to provide verification of income to the Court, thereby allowing said parent to escape his or her child support obligations.

The proposed legislation would urge the Superior Court and urge the Family Support Bureau (FSB) of the District Attorney's Office, when processing cases having to do with delinquent child support payments, to presume that (a) if the parent obligated to pay child support payments earns overtime pay in connection with his or her job, that such parent's overtime pay will continue to the same amount that it was for the preceding twelve months and (b) if such parent fails or refuses to provide verification of income to the Court, then his or her income will be presumed to be 150 percent of the average annual wage, as calculated by the State Employment Development Department or the gross income as indicated by the evidence, and (2) would urge the FSB to compute and seek child support on the same basis.

File 291-94-2

According to the proposed legislation, the California Family Code provides for a procedure whereby an individual involved in a domestic relationship may obtain a Court order to prevent a party from "contacting, molesting, attacking, striking, threatening, sexually assaulting, battering, telephoning, contacting repeatedly by mail with the intent to harass, or disturbing the peace of the other party". The proposed legislation also states that pursuant to the California Family Code, the Court may order (1) the payment of attorney fees and costs to the prevailing party, provided that the Court has determined that the party, which would be responsible for the payment of such fees and costs, has the ability to make such payment, (2) the party responding to a restraining order to pay the party, who petitioned the restraining order, for loss of earnings and out-of-pocket expenses, including medical care and temporary housing, which was required as a result of the respondent's abuse and (3) the respondent to pay public or private agencies the costs of providing services to the petitioning party, which were required as a result of the respondent's abuse.

The proposed legislation would declare it to be the policy of the City to encourage Judges to award reasonable attorney fees and costs and costs for damages to victims of domestic abuse and to question such victims regarding (1) such costs incurred, (2) if they have availed themselves of services provided by agencies which aid abused persons. Additionally, the proposed legislation would encourage Judges to establish procedures and schedule hearings to determine an appropriate award of attorney fees and costs, and costs for damages incurred by victims of domestic abuse.

File 291-94-3

As previously noted, the State Family Code which sets forth the Statewide Uniform Guideline for child support, does not specifically provide guidelines on (1) how the amount of overtime pay to be attributed to the parent obligated to pay delinquent child support payments should be determined or (2) the amount of income which should be attributed to such parent if such parent fails or refuses to provide verification of income to the Court.

The proposed legislation would declare it to be the policy of the City to require parents to fulfill their child support

BOARD OF SUPERVISORS
BUDGET ANALYST

obligations and urge the California Legislature to amend the State Family Code consistent with this policy by including in the Statewide Uniform Guideline specific provisions which would establish that when the local Courts or the FSB through the District Attorney's Office processes delinquent child support cases, the Courts and the FSB will make the presumption that (1) if the parent who is obligated to pay the delinquent child support payments earns overtime pay in connection with his or her job, that such parent's overtime pay will continue to be the same amount that it was for the preceding twelve months and (2) if such parent fails or refuses to provide verification of income to the Court, then his or her earned income will be presumed to be 150 percent of the average wage or gross income as indicated by the evidence, whichever is greater

Comments:

1. Ms. Kate Harrison of the Superior Court advises that the Superior Court anticipates that the above-noted legislation may result in some undetermined fiscal impact on the Court, because more Court hearings may be required. Ms. Harrison states, additionally, that the Superior Court believes that some provisions of the proposed legislation may be in conflict with State law.
2. Ms. Edwina Young of the District Attorney's Family Support Bureau advises that the proposed legislation is not expected to have any fiscal impact on the District Attorney's Office.

Recommendation: Approval of the proposed resolutions is a policy matter for the Board of Supervisors.

Item 17 - File 97-94-73

Department: Department of Public Health

Item: Ordinance amending Administrative Code by adding Chapter 69, encompassing Sections 69.1 through 69.6, to establish the San Francisco Health Authority as a public entity, distinct from the City and County of San Francisco, to be the local initiative component of the Medi-Cal State plan, with authority to engage in activities involving the provision of health care services to various parties, including Medi-Cal beneficiaries.

Description: The proposed ordinance would formally establish a Medi-Cal managed care local initiative in San Francisco, to be known as the San Francisco Health Authority. The Board of Supervisors has previously approved a resolution expressing the City's intention to create this entity (File 30-93-15), and a resolution approving the State legislation describing the local initiative plan and authorizing the City to create this entity (File 12-94-20). The responsibilities of the Health Authority have now been established in Section 14807.36 of the State Welfare and Institutions Code.

Currently, the Department of Public Health (DPH) provides health care to Medi-Cal beneficiaries on a fee-for-service basis, in which the State Department of Health Services (SDHS) uses Medi-Cal funds to reimburse the City after medical services have been provided.

As an alternative to this system, and in order to improve the cost-effectiveness of medical services provided to Medi-Cal beneficiaries, SDHS has undertaken development of a "managed care" system. Under a managed care system, the Health Authority would receive from SDHS periodic payments of a "capitated" amount, which would be the sum of negotiated payment rates for Medi-Cal beneficiaries that the Health Authority enrolls. This would be a fixed amount, regardless of services provided, rather than a reimbursement after the medical services have been rendered.

The San Francisco Health Authority, as the local initiative managed care entity for the City, would function like a private health maintenance organization (HMO). It could contract with hospitals, non-profit health providers, and private health providers to provide health services. Medi-

BOARD OF SUPERVISORS
BUDGET ANALYST

Memo to Health and Public Safety Committee
November 22, 1994 Health and Public Safety Committee Meeting

Cal beneficiaries would be assigned a primary care provider, who would provide basic care and would decide when a referral to a specialist or admission to a hospital is necessary. A goal of the managed care delivery system is to eliminate inappropriate emergency room and specialty services use and to provide incentives for preventive care.

The Health Authority will be separate and distinct from the City and from the City's Department of Public Health, with its own governing body, financial arrangements, and insurance. The City is not liable for the debts or other obligations of the San Francisco Health Authority. However, the State Code authorizes the Controller to audit the finances of the Health Authority as deemed necessary. In addition, the Health Authority may borrow funds from the City, and the City is authorized to issue revenue anticipation notes to finance activities of the Authority, subject to legislative approval by the Mayor and the Board of Supervisors.

Creation of the Health Authority does not affect the powers of the City's Health Commission, Mayor, or Board of Supervisors to review and authorize the activities of the Department of Public Health. Although the Health Authority would not be subject to control by City officials over issues such as its budget, policies, or day-to-day operations, a two-thirds vote of the Board of Supervisors could dissolve the Authority. The majority of the Health Authority's budget will go to pay health providers contracted to provide health services to Medi-Cal beneficiaries.

The Health Authority would have a 19-member board, appointed by the Mayor, Board of Supervisors, and other offices. This governance structure was previously approved by the Board of Supervisors (File 12-94-20), and is as follows:

- a) Fourteen members of the governing body will be appointed by the Board of Supervisors. To the extent possible, the Board is required to make its initial appointments from among the current members of the San Francisco Local Initiative Steering Committee, a volunteer group of health care professionals and other individuals who have helped draft the plans for the Health Authority. The Attachment to this report shows a list of the Steering Committee members. Appointments must be made according to the following qualifications;

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- One member of the Board of Supervisors, or the Board's designee;
- One member on the senior staff of a hospital, not operated by either the City or by the University of California, to be nominated by the San Francisco Westbay Hospital Conference, a non-profit organization of hospitals;
- Two members, one each on the senior staff of hospitals serving a disproportionate share of Medi-Cal clients, currently San Francisco General Hospital and St. Luke's Hospital, or their successor hospitals;
- Two members representing private nonprofit community clinics, to be nominated by the San Francisco Community Clinic Consortium, a non-profit organization of community clinics;
- Two physicians, to be nominated by the San Francisco Medical Society;
- One member to be nominated by the San Francisco Labor Council;
- Two health service beneficiaries, one of whom must be a Medi-Cal beneficiary, to be nominated by the Beneficiary Committee of the Health Authority;
- Two members with expertise in health care organizations and/or Medi-Cal, to be nominated by the Program Committee of the Health Authority;
- One member to be nominated by the San Francisco Pharmacy Leadership group;

One of the above members appointed by the Board of Supervisors must also be a Registered Nurse. This member must be either the Board's own representative, or one of the representatives nominated by the Beneficiary Committee of the Health Authority, or one of the representatives nominated by the Program Committee of the Health Authority.

b) The other five members will be appointed as follows;

- One member will be appointed by the Mayor;
- Three of the members will be the City's Director of Public Health, the Director of Mental Health, and the Chancellor

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BUDGET ANALYST

Memo to Health and Public Safety Committee
November 22, 1994 Health and Public Safety Committee Meeting

of the University of California San Francisco, or their designees;

- One member will be appointed by the Health Commission, who shall be a non-voting member.

c) The voting status, terms of service, and compensation for governing body members are as follows:

- All members of the governing body of the Health Authority will be voting members except for the member appointed by the Health Commission. As such, there will be 18 voting members of the Health Authority.
- The 14 members to be appointed by the Board of Supervisors will serve three year terms, except for the initial group of such members, who will draw lots designating 7 such members who will serve two year terms. The member who is a Board member or the Board's designee will serve at the pleasure of the Board, and all the other members will serve at the pleasure of the Office that appoints them.
- No members will receive compensation for their service.

The proposed ordinance provides that the Health Authority can begin official action once a majority of the voting members have been appointed.

Comments:

1. Ms. Tangerine Brigham of the Department of Public Health states that the Local Initiative Steering Committee has developed a capital plan which estimates that the Health Authority would incur start-up costs for personnel, rent, equipment, operating expenses, and consulting services of approximately \$3.1 million over the five-year period between March 31, 1995 and March 31, 2000. Of this amount, \$1,137,500 million in State funding has been committed to the City on behalf of the Health Authority for this purpose, and previously approved by the Board of Supervisors (File 146-94-20).

The Local Initiative Steering Committee has proposed in its capital plan that of the remaining approximately \$2 million needed for start-up costs, \$1 million would come from the City, \$250,000 from private agencies, and \$750,000 from withholding a portion of the Health Authority's payments to providers over a two-year period. No specific funding source for the \$1 million proposed to come from the City has been proposed. The capital plan specifies that in the event

that the Health Authority earns a surplus, the City will be repaid the proposed \$1 million in start-up funding through being paid 10 percent of that surplus beginning in the 6th year that the Authority operates. Such payments could total up to \$200,000 annually for five years, with the maximum amount payable to the City being \$1 million, according to Ms. Brigham.

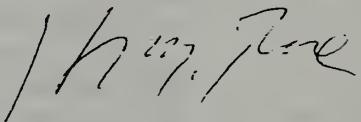
2. In FY 1994-95, the Department of Public Health is budgeted to receive a total of \$278 million in Medi-Cal revenues from the State. Under the managed care plan, a portion of that \$278 million will instead be received by DPH from the Health Authority. The amount received will depend upon the number of Medi-Cal beneficiaries who are enrolled by the Health Authority and on the number of those beneficiaries who choose DPH health care providers. Under the managed care system, Medi-Cal beneficiaries will have a choice between the Health Authority, and one other private HMO. The State Department of Health Services is currently evaluating Letters of Intent from 9 different HMOs who have expressed interest in providing services to Medi-Cal beneficiaries under the managed care system.

3. The Health Authority would not, at this time, provide coverage for uninsured and indigent patients chiefly because the financial viability of the proposed managed care system is based on funding that is only available to Medi-Cal beneficiaries. As managed care systems are further developed, the Health Authority may propose a method to extend coverage to uninsured and indigent clients. At the present time, DPH would continue to treat uninsured and indigent patients at San Francisco General Hospital and other facilities in accordance with Section 17000 of the State Welfare and Institutions Code, and would continue to receive State grant funds for this purpose.

5. The City Attorney's Office has advised that although every effort has been made in drafting State Code Section 14807.36 to protect the City against liability for the Health Authority's debts and activities, it is possible that the City could be named in any litigation resulting from financial problems that may occur at the Health Authority. Unless and until such cases were decided in court, the City Attorney cannot guarantee that the City would be protected from liability.

Memo to Health and Public Safety Committee
November 22, 1994 Health and Public Safety Committee Meeting

Recommendation: Approval of the proposed ordinance, which would create a separate legal entity known as the San Francisco Health Authority to be the Medi-Cal managed care local initiative for the City, is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Shelley
Supervisor Hallinan
Supervisor Leal
President Alioto
Supervisor Bierman
Supervisor Conroy
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Maher
Supervisor Migden
Clerk of the Board
Chief Administrative Officer
Controller
Teresa Serata
Robert Oakes
Ted Lakey

<u>MEMBER</u>	<u>ORGANIZATION</u>
Susan Leal Supervisor	Board of Supervisors
Jim Wunderman Chief of Admin.	Mayor's Office
Sandra Hernandez Director of Health Co Chair	Dept. of Public Health
Thomas M. Harlan CEO/President	Chinese Hospital
William Kerr Director, UCSF Executive Admin.	UCSF Chancellor's Office
Richard Cordova Executive Administrator	San Francisco General Hospital Representing DSH
Jack Fries President & CEO	St. Lukes Hospital Representing DSH
Sophie Wong Executive Director	North East Medical Services Representing S.F. Community Clinic Consortium
John Grossman, ACSW Executive Director	S.F. Community Clinic Consortium
David Soffa, MD.. President Co-Chair	San Francisco Medical Society
Edward Chow, MD..	San Francisco Medical Society
Stuart Heard Assistant Admin. Director of Pharmaceutical Services	San Francisco General Hospital Representing Pharmacy Leadership Group
Jeff Jue Director of Mental Health	Mental Health
Steve Fields Executive Director	Progress Foundation Program Advisory Committee

STEERING COMMITTEE

<u>MEMBER</u>	<u>ORGANIZATION</u>
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Kate O'Mally Executive Director	On-Link Senior Health Services Program Advisory Committee
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Josie Mooney President, S.F. Labor Council	United Pub. Employees Local 79
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Tony Leone R.N.	Beneficiary Advisory Committee
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Anthony Iton	Beneficiary Advisory Committee
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Judith Mates, MD	S.F. Medical Society
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CALENDAR

HEALTH, PUBLIC SAFETY & ENVIRONMENT COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

DOCUMENTS DEPT.

DEC 12 1994

SAN FRANCISCO
PUBLIC LIBRARY

REGULAR MEETING

TUESDAY, DECEMBER 13, 1994, 10:00 A.M.

CITY HALL, ROOM 228
SAN FRANCISCO, CA 94102

MEMBERS: Supervisors Kevin Shelley, Terence Hallinan, Susan Leal

CLERK: Gregoire Hobson

* * * * *

Disability Access

The Board of Supervisors Committee Meeting Room (228) and the Legislative Chamber of the Board are on the second floor of City Hall.



Both the Committee Room and the Chamber are wheelchair accessible. The closest accessible BART Station is Civic Center, 2 1/2 blocks from City Hall. Accessible MUNI line serving this location is the #42 Downtown Loop as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.



There is accessible parking in the vicinity of City Hall adjacent to Davies Hall and the War Memorial Complex.



Assistive listening devices are available for use in the Meeting Room and the Board Chamber. A device can be borrowed prior to or during a meeting. Borrower identification is required and must be held by Room 235 staff.

The following services are available on request 72 hours prior to the meeting or hearing:

For American sign language interpreters or the use of a reader during a meeting, contact Violeta Mosuela at (415) 554-7704.

For a large print copy of an agenda, contact Moe Vazquez at (415) 554-4909.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

1. File 30-94-22. [VDT Advisory Committee Annual Report] Hearing to consider the Video Display Terminal Worker's Safety Ordinance Advisory Committee's 1994 Annual Report. (Supervisor Alioto, Bierman)

(Cont'd from 11/22/94)

NOTE: AT THE REQUEST OF THE SPONSOR THE CHAIR INTENDS TO ENTERTAIN A MOTION TO CONTINUE THIS ITEM TO THE CALL OF THE CHAIR.

ACTION:

2. File 83-94-1. Hearing to consider the "One-By-One" homeless plan. (Supervisor Alioto)

(Cont'd from 11/22/94)

ACTION:

3. File 83-94-5. Hearing to consider the expansion of the winter emergency housing programs for the homeless. (Supervisor Alioto)

(Cont'd from 11/22/94)

ACTION:

4. File 97-94-40. [General Assistance-Exempt Loans] Ordinance amending the Administrative Code by amending Section 20.56.11 relating to exempt income under the General Assistance Program. (Supervisor Alioto)

(Cont'd from 11/22/94)

ACTION:

5. File 97-94-41. [General Assistance Property Levels] Ordinance amending the Administrative Code by amending Section 20.56.10 to include allowable personal property under the General Assistance Program. (Supervisor Alioto)

(Cont'd from 11/22/94)

ACTION:

6. File 244-94-18.2. [Toxicity in Bayview-Hunters Point] Hearing to consider the current level of toxicity and number of waste-producing sites in the Bayview-Hunters Point area, as well as to consider the implications for area residents of the possible construction of a co-generation facility in that area. (Supervisors Hallinan, Alioto, Bierman, Shelley)

(Cont'd from 11/22/94)

ACTION:

7. File 30-94-26. [Managed Care Providers Marketing Practices] Hearing to consider the marketing practices of managed care providers on the local initiative. (Supervisor Leal)

ACTION:

8. File 30-94-27. [Public Health System Viability] Hearing to consider the viability of the City's public health system. (Supervisor Leal)

ACTION:

9. File 97-94-71. [Family Support – Collection Intervention] Ordinance amending the Administrative Code by adding Section 10.117-47/A to authorize the District Attorney to establish a collection mechanism for family support that would allow any support payee in San Francisco to have any or all support paid through the Family Support Bureau without requiring the payee to open a case through the Title IV-D Child Support Program. (Supervisor Maher)

(11/2/94 – BUDGET ANALYST ADVISES OF FISCAL IMPACT)

(Cont'd from 11/22/94)

ACTION:

10. File 127-94-12. [Child Support Compliance] Ordinance amending Part III, Article 12-B of the Municipal Code by adding Section 1007.4 to prohibit the issuance of an annual Business Registration Certificate to an individual who is out of compliance with a Child Support Order or judgment. (Supervisor Maher)

(Cont'd from 11/22/94)

ACTION:

11. File 291-94-1. [Overtime – Child Support Payments] Resolution urging the Superior Court to amend its local rules, and urging the District Attorney, when seeking child support, to presume that overtime pay will continue at the same rate it has been earned in the preceding twelve (12) months or in the amount shown by the evidence, and to attribute to a non-complying parent income based on 150 percent of the average wage or the gross income indicated by the evidence, whichever is greater. (Supervisors Maher, Leal)

(Cont'd from 11/22/94)

ACTION:

12. File 291-94-2. [Restitution – Abusive Domestic Behavior] Resolution declaring it to be the policy of the City and County of San Francisco to encourage Judges to award reasonable costs and fees, except in the most extreme and unusual circumstances, to question victims of abusive behavior to determine if such expenses have been incurred, to advise unrepresented victims of their right to such restitution, to question victims to determine if they have availed themselves of the services provided by agencies which aid persons abused in domestic relationships, and to establish procedures to notify defaulting abusive parties and schedule hearings to determine an appropriate award of attorney fees, costs and restitution. (Supervisors Maher, Leal)

(Cont'd from 11/22/94)

ACTION:

13. File 291-94-3. [Child Support Obligations Policy] Resolution declaring it to be the policy of the City and County of San Francisco to require parents to fulfill their child support obligations, and urging the California Legislature to amend the Family Code consistent with this policy of the City and County of San Francisco by requiring the District Attorney and the local courts, when computing child support, to presume a parent's overtime pay will continue at the same rate earned in the preceding twelve (12) months, and to impute to non-complying parents a gross income based on 150 percent of the average annual wage, or the income indicated by the evidence, whichever is greater. (Supervisors Maher, Leal)

(Cont'd from 11/22/94)

ACTION:

14. File 97-93-64. [New Employee Registry] Ordinance amending the Administrative Code, Chapter 18, by adding a new Section 18.14 requiring the Controller to file with the State Employment Development Department information on persons employed by the City and County of San Francisco. (Supervisor Maher)

ACTION:

HEALTH, PUBLIC SAFETY AND
ENVIRONMENT COMMITTEE
BOARD OF SUPERVISORS
ROOM 235, CITY HALL
SAN FRANCISCO, CA 94102

**IMPORTANT
HEARING NOTICE**

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BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415)554-7642

DOCUMENTS DEPT.

December 9, 1994

MAY 31 2002

SAN FRANCISCO
PUBLIC LIBRARY

TO: Health, Public Safety and Environment Committee

FROM: Budget Analyst

SUBJECT: December 13, 1994 Health, Public Safety and Environment Committee Meeting

Item 3 - File 83-94-5

Note: This item was continued by the Health, Public Safety and Environment Committee at its meeting of November 22, 1994.

Item: Hearing to consider the expansion of winter emergency housing programs for the homeless.

Description: Estimates of the number of homeless in the City range from 5,552 by the 1990 U.S. Census Bureau to over 10,000 by some advocacy organizations. Estimates of the number of individuals who seek shelter and are turned away on any given night range from 115 in a survey by KRON-TV to 500 (duplicated) in a survey by Independent Housing Services.

San Francisco has approximately 1,500 emergency shelter beds, 125 emergency hotel room beds, 171 transitional housing beds, and 1,910 permanent supportive housing beds available for homeless persons. Therefore, there are approximately 1,625 (1,500 plus 125) beds available as "emergency" housing year-round. Some, but not all, of the emergency shelter programs receive City funding.

For example, emergency shelters for men are operated by the Salvation Army (54 beds), the Multi-Service Center South (200 beds), and the Dolores Street Shelter (70 beds). Women's shelters and shelters for battered women are

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December 13, 1994 Health, Public Safety and Environment Committee Meeting

operated by St. Paulus (50 beds) and La Casa de las Madres (25 beds). Family and Youth shelters are operated by Hamilton Family Shelter (70 beds), Richmond Hills Residence (40 beds), Traveler's Aid (54 beds), and Diamond Street Youth Center (20 beds). The cost of emergency shelter beds typically ranges from approximately \$10-\$20 per night. Time limits for shelter stays range from 1 night to as long as 180 days.

During the winter of 1993-94, the number of emergency beds added over the 1,625 shelter beds noted above ranged from 60-100 beds for men, and 10 hotel rooms for families, as winter shelters operated by Episcopal Community Services and Catholic Charities were made available to serve the homeless. These shelters were partially funded with approximately \$84,000 from the General Fund and were operational from Thanksgiving until March.

According to Mr. Jim Buick of the Department of Social Services (DSS), during the winter of 1994-95, approximately 100 beds in churches will be available including 40 additional beds for five weeks just recently made available by St. Bonifice Church. The hotel service for 10 families that was available in 1993-94 will not be operating, however a new 40-bed transitional housing program for families run by Traveler's Aid opened on December 7th and Catholic Charities has recently been awarded \$17,950 in State grant funds for hotel vouchers for homeless families. Up to 25 families will be provided with these hotel vouchers and case management during the winter months. In addition, the DSS is now working to secure permits for a winter shelter program for 5 families at Oak Street House.

The DSS has approximately \$37,619 available to fund winter emergency shelter housing all of which is committed to the church shelter program. According to Mr. Buick, the DSS is now seeking to identify an additional amount of approximately \$11,900 to fund the recently added shelter beds at St. Bonifice, and approximately \$10,000 to fund the program at Oak Street House.

Mr. Buick states that in keeping with the City's focus on developing a continuum of care for homeless persons, DSS together with the Mayor's Homeless Budget Advisory Task Force are concentrating their efforts and funding on developing transitional and permanent supportive housing rather than on expanding emergency shelter services.

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December 13, 1994 Health, Public Safety and Environment Committee Meeting

Item 4 - File 97-94-40

Note: This item was continued by the Health, Public Safety and Environment Committee at its meeting of November 22, 1994.

Department: Department of Social Services (DSS)

Item: Ordinance amending the Administrative Code by amending Section 20.56.11, relating to exempt income under the General Assistance Program.

Description: Under current law, income and resources, such as wages, checking and savings accounts, loans and public assistance (e.g. social security, veterans benefits, etc.), are used to offset the level of a General Assistance (GA) recipient's monthly grant of \$345 for a single individual. However, Section 20.56.11 of the Administrative Code currently provides that, in determining the level of a GA recipient's monthly grant, the following income and resources will not be considered:

- Relocation payments to families or individuals being displaced by a redevelopment agency;
- Retirement benefits, pending determination by the General Manager of DSS that the GA applicant will be re-employed in the near future and that such employment is contingent upon the retirement fund not being withdrawn; or
- Aid for Families with Dependent Children (AFDC) grants or Supplemental Security Income (SSI)/Supplemental Security Program (SSP) benefits and resources provided to another member of the GA applicant's family.

The proposed ordinance would amend Section 20.56.11 to also exempt loans from being considered in determining a GA recipient's monthly grant amount. In accordance with the proposed ordinance, any loan made to a GA applicant or recipient and secured by a written and signed agreement between the lender and the borrower which states the amount of the loan and which clearly specifies the obligation of the borrower to repay the loan, would not be considered as income or resources available to that GA applicant or recipient.

According to Mr. Ed DeBerri of the St. Anthony Foundation, the purpose of the proposed ordinance is to make the General Assistance Program consistent with other public assistance programs, such as SSI and AFDC, which do not consider

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loans as income in determining a recipient's grant level. According to Mr. DeBerri, an October 1993 study completed by the St. Anthony Foundation estimated that the proposed ordinance would not result in any significant additional costs to the City.

According to Mr. Antoine Moore of the Department of Social Services (DSS), the proposed ordinance would likely increase the costs to the City of the General Assistance Program since it would probably increase the eligible pool of GA recipients. However, Mr. Moore advises that the amount of such costs cannot be determined at this time.

Recommendation: Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

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Item 5 - File 97-94-41

Note: This item was continued by the Health, Public Safety and Environment Committee at its meeting of November 22, 1994.

Department: Department of Social Services (DSS)

Item: Ordinance amending the Administrative Code by amending Section 20.56.10 to increase allowable personal property under the General Assistance (GA) Program.

Description: Section 20.56.10 of the Administrative Code currently provides that any person who has a checking or savings account containing a balance of less than \$25 is still eligible to receive the current maximum monthly General Assistance (GA) grant for a single individual of \$345. However, if a person's checking or savings account contains a balance in excess of \$25, the amount in excess of \$25 must be used to offset the monthly GA grant of \$345. For example, under current legislation, a person who has \$25 in a savings account can still receive the maximum GA grant of \$345, since none of that \$25 is used to offset the GA grant. However, if a GA recipient has \$100 in a savings account, \$75 of that amount (\$100 less \$25) would be used to offset the GA grant, so that the person would be eligible to receive only \$270 (\$345 less \$75) for one month of GA aid.

The proposed ordinance would amend Section 20.56.10 to allow a person applying for GA to have up to \$750 in a savings or checking account without any of that amount being used to offset the monthly GA grant of \$345. In addition, the proposed amendment would provide that any balance in a savings or checking account in excess of \$750 would be used to offset the monthly GA grant on a dollar-for-dollar basis. For example, under the proposed legislation, if a person had \$500 in a bank account, none of that \$500 would be applied to offset the monthly GA grant of \$345. As such, a single individual would be eligible to receive the maximum GA grant of \$345. However, if that person had \$1,000 in a bank account, he or she would still be eligible to receive a GA grant, but \$250 (the amount in excess of \$750) of that \$1,000 would be offset against the GA grant, so that the person could only receive \$95 of GA aid for that month (\$345 less \$250).

According to the Department of Social Services (DSS), the proposed legislation would (1) increase the pool of eligible GA participants because persons with more than \$25 in a bank account would become eligible to apply for GA; and (2)

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increase the average length of time that a person would receive GA payments, since (a) a person with a bank account with a balance of more than \$25 would be eligible to apply for GA aid sooner and would not necessarily stop receiving GA aid earlier, and (b) clients who already receive GA payments and who would otherwise be discontinued for having a bank account with a balance in excess of \$25 might remain on GA aid for a longer period of time.

According to Mr. Antoine Moore of DSS, DSS estimates that the proposed ordinance would increase the cost of the GA Program by at least \$98,000 per year. The Attachment, provided by DSS, is a written explanation of the methodology used by DSS in arriving at this cost estimate.

According to the Author's Office, the purpose of the proposed ordinance is to provide an exit from homelessness by allowing homeless GA recipients to save enough money to pay the rent and security deposit for a new living space.

Comment:

There is currently legislation (File 97-94-41.1) pending final approval of the Board of Supervisors that would increase the personal property limit from \$25 to \$345 without any of the \$345 offsetting the GA grant of \$345, in contrast to the proposed legislation, which would increase the personal property (savings or checking account) limit to \$750 without any of the \$750 offsetting the GA grant of \$345.

Recommendation:

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

City and County of San Francisco

Attachment
Department of Social ServicesBrian F. Cahill
General ManagerAssistant General Managers
Sally Kipper
Pat Reynolds
John A. VeraASSET LIMIT
11/18/94DSS POSITION:

- * Raising the General Assistance asset limit from \$25 to \$750 would increase costs to the County approximately \$100,000.
- * We are willing to raise the asset limit to \$100, which would raise costs by only approximately \$10,000.

We believe that raising the exemption:

- * is not likely to result in significant savings.
- * increases the number of eligible applicants
- * prolongs the average length of time a client stays on aid.

POTENTIAL SAVINGS -

Increasing the asset limit could possibly increase the quality of life for clients. With additional savings, clients might find housing faster. They might use their money to purchase necessary personal items, or some might choose to be housed in better housing arrangements for a short period of time.

Despite these additional benefits, however, increasing the asset limit probably will not result in fewer clients. In fact, the opposite is more likely true.

It is also unlikely to reduce the average grant amount, nor probably will it shorten the length of time most clients stay on aid. Therefore, raising the asset limit is not likely to result in significant savings.

COST CALCULATIONSAssumptions in Calculations -

- * 1200 clients were denied or discontinued last year for excess assets. We assume that most of these applicants had assets of between \$26 and \$750. An additional undetermined number of people never applied for GA because they did not qualify (due to excess assets). Under the new limit these people will now be eligible to apply. This second group will increase the total number of those eligible to apply for aid, so we assume that the total number of clients will be at least 1200.

- * Of the additional 1200 people, some will come on aid 1 day earlier, some 10 days earlier, others 14 days, etc. It is assumed that an equal number of new people will come in each day.
- * The estimates assume that the additional time on aid does not increase more than 15 days at a time.

Formula -

- 1) Determine the number of potential extra days on aid.
- 2) Find the average cost / day for early eligibility
- 3) Multiply average cost by the estimated number of additional people.

1) Number of potential extra days

[(Amount of asset limit - \$25) / \$11.50 day] rounded up to nearest whole number = number of extra days on aid

EX: \$750 - 25 = \$725 \$725 / \$11.50 = 64 extra days

2) Find average cost

One extra day costs \$11.50. Each additional day is an additional \$11.50. Assuming an equal distribution of clients across days, the average cost is the average cost for all days between the 1st and the 64th extra day (See chart)

Sum of the cost of all extra days / total number of extra days = Average additional cost. Average cost is \$81.94

3) Multiply average cost by the number of additional people.
\$81.94 * 1,200 = \$98,328

Average Cost Estimates

# Days	Cost	# Days	Cost	# Days	Cost
1	11.5	31	11.5	61	11.5
2	23	32	23	62	23
3	34.5	33	34.5	63	34.5
4	46	34	46	64	46
5	57.5	35	57.5	65	57.5
6	69	36	69	66	69
7	80.5	37	80.5	67	80.5
8	92	38	92	68	92
9	103.5	39	103.5		
10	115	40	115		
11	126.5	41	126.5		
12	138	42	138		
13	149.5	43	149.5		
14	161	44	161		
15	0	45	0		
16	11.5	46	11.5		
17	23	47	23		
18	34.5	48	34.5		
19	46	49	46		
20	57.5	50	57.5		
21	69	51	69		
22	80.5	52	80.5		
23	92	53	92		
24	103.5	54	103.5		
25	115	55	115		
26	126.5	56	126.5		
27	138	57	138		
28	149.5	58	149.5		
29	161	59	161		
30	0	60	0		
Total	2415		2415		414
Grand Total	5,244				
Avg / day	5244 / 64 = \$81.94				
	1200 * 81.94 = \$98,328				

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Items 9 and 10 - Files 97-94-71 and 127-94-12

Note: These items were continued by the Health, Public Safety and Environment Committee at its meeting of November 22, 1994.

Departments: District Attorney
 Tax Collector

Items: Item 9, File 97-94-71 - Ordinance amending the Administrative Code by adding Section 10.117-47.A to authorize the District Attorney to establish a collection mechanism for family support that would allow any parent who is owed family support payments to have such support paid through the Family Support Bureau without requiring said parent to open a case through the Child Support Program under Title IV-D of the Social Security Act.

Item 10, File 127-94-12 - Ordinance amending Part III, Article 12-B by adding Section 1007.4 to prohibit the issuance of an annual business registration certificate to an individual who is out of compliance with a child support court order or judgment.

Description: File 97-94-71

Title IV-D of the Social Security Act requires every State to have a Child Support Program. The State of California has delegated the responsibility for operating this Program, which is funded primarily through State and Federal funds, to the District Attorney's Office in each county. Child Support Program services which are mandated under Title IV-D include (1) locating absent parents, (2) establishing paternity for children born out of wedlock, (3) establishing judgments for delinquent child support payments, (4) reviewing child support payment orders, at least every three years, for level of compliance, (5) collecting and distributing child support payments, (6) providing regular and frequent public outreach programs, (7) reporting all program statistics to the State and Federal grantors, which fund the Child Support Programs and (8) conducting a self audit.

The proposed ordinance would amend the Administrative Code by adding a new Section 10.117-47.A, which includes the following provisions:

(1) the District Attorney's Office would be authorized to establish a collection program for delinquent family support payments that would allow any parent owed such family

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BUDGET ANALYST

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support payments to receive those support payments by intervention of the District Attorney's Office through the District Attorney's Family Support Bureau, without participating in the Child Support Program under Title IV-D of the Social Security Act;

(2) upon the request of a parent owed family support payments, the District Attorney's Office may notify, in writing, the parent obligated to make such delinquent support payments, advising such parent that the delinquent payments must be made to the District Attorney within 30 days of the receipt of the notification. Such notification would further inform the parent obligated to pay the child support payments that failure to make such payments shall result in enforcement by the District Attorney's Office. Any support payments submitted to the District Attorney's Office in response to the written notification shall be made payable to the parent owed the support payments and forwarded by the District Attorney's Office to such parent within 24 hours of receipt by the District Attorney's Office;

(3) any parent owed support payments who requests intervention by the District Attorney's Office pursuant to this Section, at the time of the request, shall be advised that enforcement services under Title IV-D of the Social Security Act shall not be available to him or her until a Title IV-D case is established, either by a request of the parent owed support payments or because of the failure of the absent parent to pay support payments on a timely basis; and

(4) the District Attorney's Office shall report on the implementation of the provisions outlined in this Section to the Board of Supervisors one year from the effective date of this ordinance.

File 127-94-12

The proposed ordinance would amend Part III of the Municipal Code to add a new Section 1007.4, which would, in part, provide that:

(1) the District Attorney's Office shall maintain a list of persons for whom a child support order or judgment has been rendered in a California Court and who are not in compliance with that court order or judgment. Such list, containing the names, Social Security numbers and last known address of these persons, shall be submitted by the

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District Attorney to the Tax Collector's Office on a monthly basis;

(2) promptly after receiving an application for a business registration certificate, the Tax Collector's Office shall determine whether the applicant is on the most recent list provided by the District Attorney's Office. If the applicant is on the list, the Tax Collector's Office shall serve notice to the applicant of the Tax Collector's Office's intent to withhold issuance of the annual business registration certificate. The notice must indicate that the applicant must obtain a release from the District Attorney's Office as a condition for the issuance of an annual registration certificate and include a form that the applicant may use to request a review by the District Attorney's Office;

(3) the Tax Collector's Office shall not issue a registration certificate unless it receives a release from the District Attorney's Office;

(4) the Tax Collector's Office shall issue a temporary registration certificate, valid for a period of 150 days, to any applicant whose name is on the list if the applicant is otherwise eligible for a registration certificate and requests a review by the District Attorney's Office within 30 days of the issuance of the Tax Collector's Office's notice;

(5) If the applicant wishes to challenge the submission of his or her name on the list, the applicant shall submit a written request for review on the form provided by the Tax Collector's Office and shall notify the Tax Collector's Office of such request. The District Attorney's Office shall establish a review procedure and inform the applicant in writing of his or her findings upon completion of the review.

The District Attorney's Office shall immediately send a release to the Tax Collector's Office and the applicant, if any of the following conditions are met: (a) the applicant is found to be in compliance or negotiates an agreement with the District Attorney's Office for a payment schedule on the delinquent family support payments, (b) the applicant has obtained a judicial finding of compliance (see provision No. 6 below), (c) the applicant has filed and served a request for a judicial review to the District Attorney's Office (see provision No. 6 below), but a resolution of that review will not be made within the 150-day period of the temporary registration certificate;

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(6) if upon completing a review, the District Attorney's Office finds that a release cannot be issued, the District Attorney's Office shall notify the applicant in writing that the applicant may request any or all of the following: (a) a judicial review of the District Attorney's Office's decision not to issue a release and (b) a judicial determination of compliance or a modification of the family support payment judgment or order;

(7) the request for judicial review shall be served by the applicant upon the District Attorney's Office within seven days of the applicant's filing of a petition with the Court;

(8) if the Tax Collector's Office does not receive a release from the District Attorney's Office upon expiration of the applicant's temporary registration certificate, the Tax Collector's Office shall refer the case to the District Attorney's Office for prosecution ;

(9) the Tax Collector's Office and the District Attorney's Office shall enter into an agreement to provide for the receipt by the Tax Collector's Office of Federal funds to pay for that portion of costs incurred by the Tax Collector's Office in implementing the provisions of this Section. According to Ms. Edwina Young of the District Attorney's Family Support Bureau, 45-CODE OF FEDERAL REGULATIONS (CFR) , Section 302.34 provides for the District Attorney's Family Support Bureau to enter into cooperative agreements with other City departments which provide services in connection with the Child Support Program. Under such agreements, Federal funds would pay for a minimum of 66 percent of costs. associated with providing such services. According to Ms. Young, depending upon the total amount of revenue which is received from the Federal government, including incentive payments, for the Family Support Bureau, it is possible that a City department providing services in connection with the Child Support Program could receive 100 percent reimbursement for such services.

(10) in the event that a registration certificate is denied pursuant to this Section, any fee paid by the applicant shall not be refunded to the applicant by the Tax Collector's Office.

Comments:

1. Attached is a memo from Mr. Arlo Smith, District Attorney which advises, in part, that an undetermined cost would be

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incurred by the City with respect to the proposed ordinance (File 97-94-71).

2. As of the writing of this report, the Tax Collector's Office was unable to provide any information to the Budget Analyst regarding what, if any, fiscal impact the proposed ordinance (File 127-94-12) would have on the Department.

Recommendation: Approval of the proposed ordinances is a policy matter for the Board of Supervisors.

DISTRICT ATTORNEY

ARLO SMITH
DISTRICT ATTORNEY



ROBERT M. PODESTA
CHIEF ASSISTANT
DISTRICT ATTORNEY

SAN FRANCISCO

880 BRYANT STREET, SAN FRANCISCO 94103 TEL. (415) 553-1752

November 16, 1994

TO: Board of Supervisor's Budget Analyst
ATTN: Sandy Brown-Richardson

FROM: ARLO SMITH, *(Signature)*
District Attorney

SUBJECT: File Number 097-94-071
Child Support Legislation

Supervisor Maher has submitted legislation to amend the Administrative Code authorizing the District Attorney to establish a collection mechanism for a family support payee in San Francisco to have any or all support paid through the Family support Bureau without requiring the payee to open a case under the Title IV-D Child support Program.

The intent of the legislation is to provide a collection and distribution service without all of the other mandated activities that are performed by the Family Support Bureau.

There is a cost to local government to perform this function that is not subvented by federal or state funds. There is no estimate of the number of families who might want this service so it is not possible to estimate the costs. The current child support program costs are offset by a variety of revenues. This activity would be funded by the general fund.

I am in support of this legislation. Any and all tools we can utilize to insure that the support obligation will be met each and every month is critical to the children who are entitled to support.

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Items 11, 12 and 13 - Files 291-94-1, 291-94-2 and 291-94-3

Note: These items were continued by the Health, Public Safety and Environment Committee at its meeting of November 22, 1994.

Departments: District Attorney
Superior Court

Items: Item 11, File 291-94-1 - Resolution urging the Superior Court and the District Attorney, through the Family Support Bureau, when processing cases having to do with delinquent child support payments, to presume that (1) if the parent who is obligated to pay the delinquent child support payments earns overtime pay in connection with his or her job, that such parent's overtime pay will continue to be the same amount that it was for the preceding twelve months and (2) if such parent fails or refuses to provide verification of income to the Court, then his or her earned income will be presumed to be 150 percent of the average wage or gross income indicated by the evidence, whichever is greater.

Item 12, File 291-94-2 - Resolution declaring it to be the policy of the City to encourage Judges to (1) award reasonable attorney fees and costs, and costs for damages to victims of domestic abuse, except in the most extreme and unusual circumstances, and to question victims of domestic abuse to determine if such costs have been incurred, (2) question victims to determine if they have availed themselves of the services provided by agencies which aid abused persons and (3) establish procedures and schedule hearings to determine an appropriate award of attorney fees, and costs for damages incurred by victims of domestic abuse.

Item 13, File 291-94-3 - Resolution declaring it to be the policy of the City to require parents to fulfill their child support obligations, and urging the California Legislature to amend the State Family Code consistent with this proposed policy of the City by requiring the District Attorney, through the Family Support Bureau, and the local Courts, when processing delinquent child support cases to presume that (1) if the parent who is obligated to pay the delinquent child support payments earns overtime pay in connection with his or her job, that such parent's overtime pay will continue to be the same amount that it was for the preceding twelve months and (2) if such parent fails or refuses to provide verification of income to the Court, then his or her earned income will be presumed to be 150 percent of the average wage or gross income as indicated by the evidence, whichever is greater.

Description:

File 291-94-1

The State Family Code sets forth the Statewide Uniform Guideline for child support. The proposed legislation states that, the Guideline (1) provides for the computation of child support based on the annual gross income of the child's parents, including "income from whatever source derived," including wages and salaries and (2) allows the Court, in its discretion, to consider the earning capacity of a parent in lieu of the parent's actual income, consistent with the best interest of the child or children.

According to the proposed legislation, the Guideline does not, however, specifically provide for guidelines on (1) how the amount of overtime pay to be attributed to the parent obligated to pay delinquent child support payments should be determined or (2) the amount of income which should be attributed to such parent who fails or refuses to provide verification of income to the Court. The proposed legislation states that in the absence of such guidelines in these two areas, the Court (1) has excluded overtime pay of the obligated parent from consideration based on the statement of the parent obligated to provide child support, thereby forcing the parent who is owed child support to return to Court to seek modification of support based on the obligated parent's continued receipt of overtime pay and (2) does not attribute any earning capacity to a parent, obligated to pay child support, who fails or refuses to provide verification of income to the Court, thereby allowing said parent to escape his or her child support obligations.

The proposed legislation would urge the Superior Court and urge the Family Support Bureau (FSB) of the District Attorney's Office, when processing cases having to do with delinquent child support payments, to presume that (a) if the parent obligated to pay child support payments earns overtime pay in connection with his or her job, that such parent's overtime pay will continue to the same amount that it was for the preceding twelve months and (b) if such parent fails or refuses to provide verification of income to the Court, then his or her income will be presumed to be 150 percent of the average annual wage, as calculated by the State Employment Development Department or the gross income as indicated by the evidence, and (2) would urge the FSB to compute and seek child support on the same basis.

File 291-94-2

According to the proposed legislation, the California Family Code provides for a procedure whereby an individual involved in a domestic relationship may obtain a Court order to prevent a party from "contacting, molesting, attacking, striking, threatening, sexually assaulting, battering, telephoning, contacting repeatedly by mail with the intent to harass, or disturbing the peace of the other party". The proposed legislation also states that pursuant to the California Family Code, the Court may order (1) the payment of attorney fees and costs to the prevailing party, provided that the Court has determined that the party, which would be responsible for the payment of such fees and costs, has the ability to make such payment, (2) the party responding to a restraining order to pay the party, who petitioned the restraining order, for loss of earnings and out-of-pocket expenses, including medical care and temporary housing, which was required as a result of the respondent's abuse and (3) the respondent to pay public or private agencies the costs of providing services to the petitioning party, which were required as a result of the respondent's abuse.

The proposed legislation would declare it to be the policy of the City to encourage Judges to award reasonable attorney fees and costs and costs for damages to victims of domestic abuse and to question such victims regarding (1) such costs incurred, (2) if they have availed themselves of services provided by agencies which aid abused persons. Additionally, the proposed legislation would encourage Judges to establish procedures and schedule hearings to determine an appropriate award of attorney fees and costs, and costs for damages incurred by victims of domestic abuse.

File 291-94-3

As previously noted, the State Family Code which sets forth the Statewide Uniform Guideline for child support, does not specifically provide guidelines on (1) how the amount of overtime pay to be attributed to the parent obligated to pay delinquent child support payments should be determined or (2) the amount of income which should be attributed to such parent if such parent fails or refuses to provide verification of income to the Court.

The proposed legislation would declare it to be the policy of the City to require parents to fulfill their child support

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obligations and urge the California Legislature to amend the State Family Code consistent with this policy by including in the Statewide Uniform Guideline specific provisions which would establish that when the local Courts or the FSB through the District Attorney's Office processes delinquent child support cases, the Courts and the FSB will make the presumption that (1) if the parent who is obligated to pay the delinquent child support payments earns overtime pay in connection with his or her job, that such parent's overtime pay will continue to be the same amount that it was for the preceding twelve months and (2) if such parent fails or refuses to provide verification of income to the Court, then his or her earned income will be presumed to be 150 percent of the average wage or gross income as indicated by the evidence, whichever is greater

Comments:

1. Ms. Kate Harrison of the Superior Court advises that the Superior Court anticipates that the above-noted legislation may result in some undetermined fiscal impact on the Court, because more Court hearings may be required. Ms. Harrison states, additionally, that the Superior Court believes that some provisions of the proposed legislation may be in conflict with State law.
2. Ms. Edwina Young of the District Attorney's Family Support Bureau advises that the proposed legislation is not expected to have any fiscal impact on the District Attorney's Office.

Recommendation: Approval of the proposed resolutions is a policy matter for the Board of Supervisors.

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Item 14 - File 97-93-64

Department: Controller

Item: Ordinance amending Administrative Code, Chapter 18, by adding Section 18.14 requiring the Controller to file with the State Employment Development Department information on the hiring of any person by the City and County of San Francisco.

Description: The proposed ordinance would amend Chapter 18 of the Administrative Code, regarding Payroll Procedures, by adding a section requiring that the Controller file certain information on all persons employed or hired by the City with the State Employment Development Department.

Under the proposed ordinance, each City Department would be required to report to the Controller all current employees, and all employees who are newly hired, re-hired, or returning to work from a layoff, furlough, separation, leave of absence or termination. This reporting is to be done in a manner determined by the Controller.

The Controller would then be required to report the first initial, last name, and Social Security number of all current employees and the City's name, address and employer identification number to the State Employment Development Department (EDD) by January 31. Thereafter, the Controller would be required to report this same information to EDD on all new or returning City employees within 30 days of receiving such information from City Departments.

The Controller's report to EDD may be submitted by filing a copy of the employee's W-4 form, any hiring document, or a form provided by EDD. Persons who are to be paid less than \$300 per month, and persons under 18 years of age, are not required to be included in the Controller's report, under the proposed ordinance.

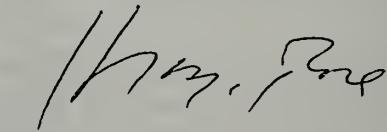
Comments:

1. State law currently requires that private employers report the information specified in this proposed ordinance on their employees to EDD on a monthly basis. Ms. Edwina Young of the District Attorney Family Support Bureau advises that it is likely that the State will adopt regulations in the near future to require that government agencies, as well as private employers, report such employee information to EDD on a monthly basis. The City does not currently report this information to EDD.

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2. The purpose of this State law is, in part, to assist the State in locating parents who owe child support payments in order to attach their wages. The reporting from San Francisco to EDD that would be required under the proposed ordinance would improve the D.A.'s success in enforcing child support orders, according to Ms. Young.
3. Mr. John Madden of the Controller's Office advises that if the proposed ordinance were to be approved, it would be appropriate for the Human Resources Department, and not the Controller's Office, to be the City Department designated for submitting the reports required under the proposed ordinance to the State.
4. The Human Resources Department is working on an estimate of the cost to fulfill the requirements of the proposed ordinance. As of the writing of this report, that estimate was not yet available.

Recommendation: Approval of the proposed ordinance is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Shelley
Supervisor Hallinan
Supervisor Leal
President Alioto
Supervisor Bierman
Supervisor Conroy
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Maher
Supervisor Migden
Clerk of the Board
Chief Administrative Officer
Controller
Teresa Serata
Robert Oakes
Ted Lakey

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